

CITY OF TIGARD, OREGON  
RESOLUTION NO. 04-58

A RESOLUTION AND FINAL ORDER APPROVING LAND USE APPLICATIONS ZCA 2003-00003, ZCA 2003-00004, ZCA 2003-00005, ZCA 2003-00006, FOR ANNEXATION OF CONTIGUOUS AREAS IN THE BULL MOUNTAIN AREA, ADOPTING FINDINGS, AND IMPOSING CONDITIONS.

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WHEREAS, staff has prepared a Bull Mountain Annexation Plan; and

WHEREAS, the annexation proposed in the Bull Mountain Annexation Plan would add 1,376 acres, including approximately 7,600 residents living in 2,600 homes, from an area of unincorporated Washington County known as Bull Mountain to the Tigard city limits; and

WHEREAS, Bull Mountain is located within the Metro Urban Growth Boundary; and

WHEREAS, urban services to the Bull Mountain area will be provided according to the Tigard Urban Services Agreement; and

WHEREAS, the Annexation Plan states that the City of Tigard can serve the Bull Mountain area without a significant reduction in city service to Tigard residents; and

WHEREAS, on December 16, 2003, the Council adopted a resolution that directed staff to hold a public hearing on the land use applications (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) in July 2004 and to consider the annexation plan; and

WHEREAS, in accordance with the December 16, 2003, resolution, the City Council held a public hearing on the Bull Mountain Annexation Plan on July 27, 2004; and

WHEREAS, the City Council received additional written comment until August 3, 2004; and

WHEREAS, the City Council has reviewed the testimony, submittals, and staff report on this matter; and

WHEREAS, the City Council by resolution has accepted the Bull Mountain Annexation Plan as providing guidelines for the annexation of unincorporated areas of Bull Mountain; and

WHEREAS, the City Council concludes that the annexation proposed in applications ZCA 2003-00003 through 00006 are in compliance with all applicable review criteria in the Oregon Revised Statutes, Metro Code and the Tigard Community Development Code, as described in the Findings and in the Staff Report; and

WHEREAS, the proposed annexation is subject to voter approval under ORS Chapter 222;

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

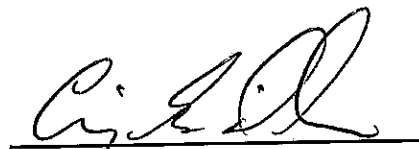
SECTION 1: Land use applications ZCA2003-00003/ZCA2003-00004/ZCA2003-00005/ZCA2003-00006, relating to the annexation of the Bull Mountain area by the Bull Mountain Annexation Plan, are approved.

SECTION 2: The Tigard City Council adopts the "FINDINGS AND CONCLUSIONS REGARDING ANNEXATION OF BULL MOUNTAIN AREA TO CITY OF TIGARD BY ANNEXATION PLAN" as findings in support of this decision. A copy of those adopted findings is attached hereto as Exhibit B and incorporated herein by this reference. The Council adopts the Staff Report to the City Council, attached hereto as Exhibit C and incorporated herein by this reference, as additional findings. The Council further adopts the Bull Mountain Annexation Plan (Exhibit A), as additional findings.


SECTION 3: The annexation shall be submitted to the voters in the City and in the area to be annexed as provided in ORS 222.111(5). The Council will consider a ballot title at its August 10, 2004, meeting.

SECTION 4: This resolution is final and effective when notice of the decision is mailed. The finality and effectiveness is limited to the land use applications and to the decision to submit the annexation proposal to the voters. The annexation does not become effective unless and until the annexation is approved by the voters and the Council proclaims adoption of the annexation.

PASSED: This 10<sup>th</sup> day of August, 2004.

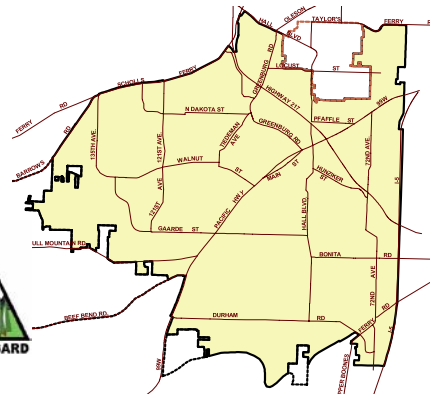
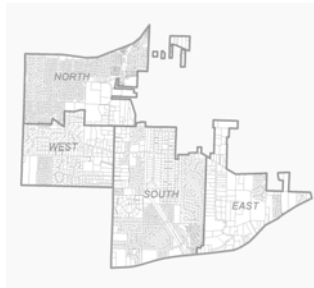
  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
~~City Recorder - City of Tigard~~

Jane McGarvin, Deputy City Recorder

## THE BULL MOUNTAIN ANNEXATION PLAN



*A STEP TOWARD COMPLETING  
OUR COMMUNITY*

*CITY OF TIGARD  
JULY 12, 2004*

**T H E B U L L M O U N T A I N**  
**A N N E X A T I O N P L A N**

**JULY 2004**

**PRODUCED BY:**

**THE CITY OF TIGARD**

**IN COLLABORATION WITH WASHINGTON COUNTY**

CITY OF TIGARD  
13125 SW HALL BLVD.  
TIGARD, OR 97223  
503/639-4171

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## TECHNICAL DOCUMENT B (AVAILABLE SEPARATELY)

- Draft *Facilities and Public Services Assessment Report for the Bull Mountain Area*, 2003.
- *The Bull Mountain Annexation Study*, 2001.

## **EXECUTIVE SUMMARY**

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### **ANNEXATION PROPOSAL**

The Bull Mountain Annexation Plan is a City of Tigard proposal to annex 1,376 acres of Washington County known as Bull Mountain through the annexation plan process. With voter approval, the entire Plan Area will be annexed effective July 1, 2005.

The plan area is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. Map 1 on p. 4 of The Bull Mountain Annexation Plan denotes the specific boundaries. The proposal does not include the UGB sites 63 and 64, but their adjacency to the Plan Area was factored into the analysis.

Upon annexation, the City of Tigard will be the service provider to the annexed territory for the following services: building and development services, water, street light maintenance, road quality maintenance, parks and open space, street maintenance, police, long-range planning, sanitary and storm sewer.

Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same.

### **ANNEXATION PLAN FOUNDATIONS**

Twenty years ago, Washington County and the City of Tigard laid the groundwork for bringing Bull Mountain into Tigard's city limits (annexation). Although cattle and farms shared the mountain at that time, the County and City recognized that the area's inclusion within the Urban Growth Boundary would eventually lead to urban development. State land-use planning goals require the UGB to contain a 20-year supply of land, and, when conditions warrant, lands within the boundary must be available for urban uses. Washington County and Bull Mountain residents developed the 1983 Bull Mountain Community Plan, which assigned urban densities to the area but did not provide for all urban services.

Statewide planning Goal 14 directs local governments to have a plan in place to allow for an orderly and efficient transition from rural to urban uses. In 1983, the County and City signed the Urban Planning Area Agreement (UPAA). The UPAA established Bull Mountain as part of the City's planning area and paved the way for the County and City to jointly serve the area. At the same time, the City's long-term vision for land-use and development in Tigard (the Comprehensive Plan) encouraged the annexation of all unincorporated areas. The City acknowledged that it should provide urban services to its own citizens - once areas require urban services, residents should receive all the benefits of citizenship, including representation.

Today, Bull Mountain has grown beyond its rural roots, and become an urbanized area with streets, sidewalks, and urban service needs. Farms have been largely replaced by subdivisions built at the same densities as adjacent Tigard neighborhoods. Urban areas need urban service providers – and cities, not counties, are best equipped to provide urban services. Over time, the needs of an urban area will outpace a non-urban provider's service capabilities.

The Tigard City Council established a goal in 2001 to develop an annexation policy/strategy for unincorporated areas. From 2001-2004, the City has thoroughly examined annexation and urban service issues for Bull Mountain. *The Bull Mountain Annexation Plan* builds upon these efforts and proposes an annexation strategy. It addresses the how, when, where and who of annexation. State law created the annexation plan process as a growth management tool for jurisdictions: the plan must address criteria related to urban service provision to the Plan Area, and is a pre-requisite for an annexation vote by the annexing city and Plan Area.

### **PLAN SIGNIFICANCE**

There are approximately 7,600 residents living in 2,600 homes on the mountain's approximately 1,376 unincorporated acres. Estimated development of the remaining land would raise the overall population to approximately 10,000. This additional growth will require additional facilities and services. Without annexation, the City has limited ability to plan for, provide for, and manage growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed. The current operative plan, *The Bull Mountain Community Plan*, was adopted by Washington County more than 20 years ago. The County has stated that it does not plan to undertake a comprehensive update of its comprehensive plan, including *The Bull Mountain Community Plan*. The County will continue to make periodic changes. With annexation, the City of Tigard would be able to plan for, and manage, growth on Bull Mountain with an updated comprehensive plan for the entire community.

Using existing service agreements among agencies, cost-benefit analyses, and the 2003 *Public Facilities and Services Assessment Report for the Bull Mountain Area* recommendations, the plan addresses all criteria set forth by state law ORS195: the provision (how and when) of urban services, annexation's impact on existing providers, the timing and sequence of annexation, and the plan's long-term benefits. The plan also addresses Tigard Comprehensive Plan policies, which require a review to determine that services can be provided to the annexed area and their provision will not significantly reduce service levels to the City of Tigard.

It must be noted that individual annexations will occur in the Plan Area with or without an annexation plan. Currently, annexations occur at the owner's request, resulting in a piecemeal approach to incorporation. In contrast, *The Bull Mountain Annexation Plan* provides a comprehensive approach for annexation. Long-term planning offers long-term benefits, including certainty of future incorporation, enhanced efficiency, and quantified costs and benefits – which provide certainty to Tigard residents that annexation will not impact their service levels. Financially, it captures more capital improvement dollars for parks and roads, and more funds to enhance capital facilities – such as the library and parks – currently used by both Bull Mountain and Tigard residents but paid for by Tigard residents.

Bull Mountain residents would receive park services, local representation, and urban services by an urban provider who can meet the needs of a growing community. Lastly, annexation would unify the community, as both the city and Bull Mountain residents can plan together for their future, a future joined together 20 years ago. *The Bull Mountain Annexation Plan* presents a clear and efficient approach to annex unincorporated Bull Mountain and a step toward completing our community.

## I. INTRODUCTION

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Twenty years ago, Washington County and the City of Tigard laid the groundwork for Bull Mountain's annexation to Tigard. Although cattle and farms shared the mountain at that time, the County and City recognized that the area's inclusion within the Urban Growth Boundary would eventually lead to urban development. State land-use planning goals require the UGB to contain a 20-year supply of land, and, when conditions warrant, lands within the boundary must be available for urban uses. Washington County and Bull Mountain residents developed the 1983 Bull Mountain Community Plan, which assigned urban densities to the area but not urban services.

State planning Goal 14 directs local governments to have a plan in place to allow for an orderly and efficient transition from rural to urban uses. In 1983, the County and City signed the Urban Planning Area Agreement (UPAA), which established Bull Mountain as part of the City's planning area and paved the way for the County and City to jointly serve the area. At the same time, the City's long-term vision for land-use and development in Tigard (the Comprehensive Plan) encouraged the annexation of all unincorporated areas. The City acknowledged that it should provide urban services to its own citizens - once areas require urban services, residents should receive all the benefits of citizenship, including representation.

Today, Bull Mountain has grown beyond its rural roots, and become an urbanized area with streets, sidewalks, and urban service needs. Over time and additional agreements, Tigard has absorbed more services toward an eventual annexation, blurring the line between County and City. However, major services remain under the County's purview, as does jurisdiction. Without annexation, the City has limited ability to manage growth outside its city limits to ensure that efficient and effective public facilities and services are provided.

Since 2001, when the Tigard City Council established a goal to develop an annexation policy/strategy for unincorporated areas, the City has thoroughly examined urban service issues for Bull Mountain: *The Bull Mountain Annexation Study* (2001), which examined the costs and benefits of annexation; a public opinion survey of Tigard and Bull Mountain residents on annexation (2002); *The Public Facilities and Services Assessment Report for the Bull Mountain Area* (2003), which evaluated the factors affecting long-term service provision to Bull Mountain, including annexation.

The 2003 Assessment Report demonstrated that annexation would serve citizens the most efficiently and effectively over the long term, providing urban levels of services to an area that has grown from a rural community to an urban neighborhood. In addition, annexation would allow the City and Bull Mountain residents to plan for Bull Mountain's future. The current operative plan, *The Bull Mountain Community Plan*, was adopted by Washington County more than 20 years ago. The County has stated that it does not plan to undertake a comprehensive update of its comprehensive plan, including *The Bull Mountain Community Plan*. The County will continue to make periodic changes. Also, unincorporated areas cannot collect parks system development charges (SDCs) from new developments or plan for parks, and the County has jurisdiction over the area's long-range planning. Annexation would allow the City and residents to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community. As citizens of Tigard, Bull Mountain residents would have a say on local issues that affect their community's future.



*The Bull Mountain Annexation Plan* represents a significant step toward the realization of an united Tigard and Bull Mountain community. The plan lays out a blueprint for annexation as required by state law ORS195.205 and ORS195.220, which established the annexation plan process. It addresses the how, when, where and who of annexation, but in essence, the plan is a proposal for extending urban services and transferring households to Tigard in an organized and efficient manner. It is based upon existing service agreements among agencies and cost-benefit analyses, and addresses the following, per state law ORS195.220:

- a) Local standards of urban service availability required as a precondition of annexation;
- b) The planned schedule for providing urban services to the annexed territory;
- c) The timing and sequence of annexation;
- d) The effects on existing urban services providers;
- e) The long-term benefits of the annexation plan.

The plan examines each criterion separately. Each section offers a brief explanation of the criterion and follows with text based on the City's previous research and recent analysis produced by the City and County for this plan. Appendix A contains a glossary of planning terms used in this document. Technical Document B (available separately) contains copies of previous Bull Mountain reports, including *The Public Facilities and Services Assessment Report for the Bull Mountain Area*, 2003.

## **A) THE ANNEXATION PLAN AREA: BOUNDARIES**

The Annexation Plan applies to the unincorporated area of Bull Mountain ("Plan Area"). It is bounded on the north by Barrows Road, on the east by Tigard city limits, to the south by Beef Bend Road, and on the west by the new Urban Growth Expansion (UGB) Areas (Roy Rogers Road and 150<sup>th</sup> Ave.-- See Map 1 on page 4). The Plan does not include the new UGB areas because they are not part of the existing County-City service agreements for Bull Mountain, and the Tigard City Council indicated that the Plan Area should be addressed first. However, their adjacency to the Plan Area was factored into the analysis (see page 13).

The land in the Plan Area is sloped—steeply in some areas—allowing for views at higher elevations. There is no commercial or industrial zoned land. Most of the property is zoned R-7, as designated in the Washington County *Bull Mountain Community Plan*, a medium-density residential zone with minimum lot sizes of 5,000 square feet. The area consists of a combination of 1) a mix of larger undeveloped lots, 2) larger lots developed through the County under different standards, and 3) smaller lots that are built to the minimum density allowed under the current zoning regulations.

## Subareas and Population Estimates

The Plan Area comprises 1,376 acres,<sup>1</sup> with approximately 7,600 residents living in 2,600 homes. Numbers are 2003 estimates based on Census 2000 figures and average growth rates. This is consistent with *The Public Facilities and Services Assessment Report for the Bull Mountain Area* methods, with the exception of deducting four annexations that took place from late 2001 to 2003.<sup>2</sup>

Due to the area's size, it has been divided into four subareas: North, West, South and East. These subareas were developed based on development patterns, topography, and man-made boundaries, such as major roads. The South area has the most homes and population, with North close behind. East has the least number of homes and people (Table 1).

**Table 1.** 2003 Estimates

	Homes	Population
North	991	2930
West	346	982
South	1174	3259
East	167	452
Total	2678	7623
Based on census 2000/average growth rate		

## Future Projections

Future projections were estimated by calculating the maximum number of new homes the area could potentially absorb at current zoning (R-7, or 5,000 sq. ft. lots), and taking half of this projection to allow for moderate development.<sup>3</sup> Based on these estimates, East has the largest share of future growth, due to large, undeveloped lots (Table 2). The remaining subareas have more developed subdivisions and few vacant lots, and have limited growth remaining.

*The Public Facilities and Services Assessment Report* (2003) used these numbers to approximate service needs, costs, and associated revenues.<sup>4</sup> The condition and number of roads, current condition of facilities, current and future population/homes, and year of development affected each subarea's needs. The Annexation Plan analysis is based upon the 2003 report conclusions and additional refinements to the report data.

**Table 2.** Moderate Growth  
(Estimated capacity)

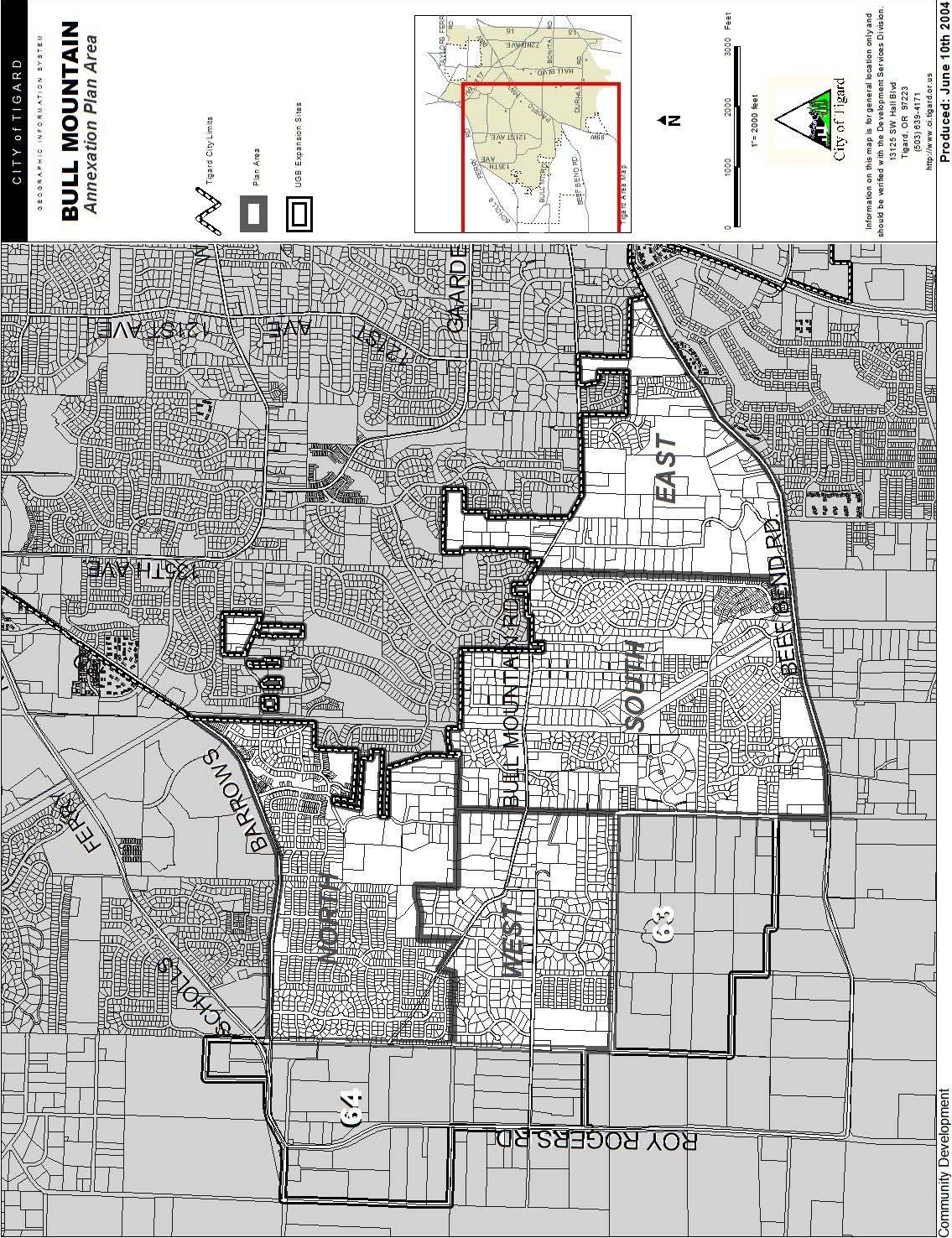
	Additional Homes	Total Homes	Population	Total Population
North	+139	1130	+401	3331
West	+150	496	+457	1439
South	+143	1317	+465	3724
East	+483	650	+904	1356
Total	+915	3593	+2227	9850
Based on formula from 2001 Study; revised for annexations that occurred since 2001.				

<sup>1</sup> Differs from the 2001 study due to five annexations: Pacific Crest, Fern Street, Thornwood, Daffodil Hill, and Bohan-Cooper.

<sup>2</sup> The numbers here (7,622 and 2,678) reflect **2003** projected population and deduct for four annexations, differing from *The Bull Mountain Study* and *Public Facility and Services Assessment Report* numbers.

<sup>3</sup>Based on vacant or underdeveloped lots. A moderate scenario was assumed due to the uncertainty of the land market and existing development pattern – not every owner will fully develop each vacant or underdeveloped parcel.

<sup>4</sup> The 2003 *Report* did not deduct for annexations; the change did not significantly affect this analysis.



## II. ANNEXATION PLAN CRITERIA

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In 1993 the State Legislature established the annexation plan method to make annexation an effective growth management tool for jurisdictions. Annexation plans require fiscal and territorial coordination between service providers, encourage the creation of long-term master plans, address the economic viability of special districts, and clarify the costs and benefits of annexation.<sup>5</sup>

Specifically, state law ORS195.220 requires annexation plans to include the following:

- a) Local standards of urban service availability required as a precondition of annexation;
- b) The planned schedule for providing urban services to the annexed territory;
- c) The timing and sequence of annexation;
- d) The effects on existing urban services providers;
- e) The long-term benefits of the annexation plan.

### What is an Urban Service?

The plan uses the collective term “urban services” to refer to all services described below and listed in Table 4 on p. 9. The scope of analysis includes those urban services defined by state law, local annexation criteria, and city/county agreements.

### State Law Definition

State law ORS195 defines “urban services” as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

### City of Tigard Annexation Criteria

The City’s Community Development Code criteria for annexations are consistent with ORS195.220. The Code (Title 18) states that the decision to annex property to the City shall be based on 1) all services and facilities being available to the area, and with sufficient capacity to provide service; and 2) satisfying all Comprehensive Plan policies.

Based on the City’s Comprehensive Plan requirements, *The Bull Mountain Annexation Plan* considers police, and sanitary and storm sewer services as urban services and addresses their provision.

Tigard’s Comprehensive Plan Policy 10 (Urbanization) requires the following:

- a) The City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed\* (most intense use allowed by the conditions of approval, the zone or the Comprehensive Plan), and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard. The services are: 1. Water, 2. Sewer, 3. Drainage, 4. Streets, 5. Police, and 6. Fire Protection.
- b) The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.
- c) Approval of proposed annexations of land by the City shall be based on findings with respect to the following:

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<sup>5</sup> From Department of Land Conservation and Development; <http://www.lcd.state.or.us/tgm/pub/3annex.htm>.

- i. The annexation eliminates an existing “pocket” or “island” of unincorporated territory.
- ii. The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City
- iii. The Police Department has commented upon the annexation.
- iv. The land is located within the Tigard Urban Planning Area and is contiguous to the city boundary
- v. The annexation can be accommodated by the services listed above.

**Additional Urban Services (City/County Agreements)**

The Plan also addresses building and development services, long-range planning, and street light maintenance, which are addressed in existing City/County Agreements (TUSA, USIGA, UPAA). See Appendix A for agreement definitions.

## A. LOCAL STANDARDS OF URBAN SERVICE AVAILABILITY

***An annexation plan adopted under ORS 195.205 shall include***  
**Local standards of urban services required prior to annexation and the availability of each service.**

### Level of Urban Services

The annexation plan process emphasizes coordination between service agencies to identify and address any service deficiencies early in the process, assuring that services can be provided to local standards after annexation. Prior to the plan, state law requires urban service agreements between all service providers in the affected territory. By taking this step first, agencies resolve future service provision issues and lay groundwork for the plan.

In February 2003, Washington County, the City of Tigard, other agencies and service districts finalized the Tigard Urban Service Agreement (TUSA) for the Bull Mountain area (Appendix D). In sum, all urban services are available for the Plan Area except recreation.<sup>6</sup> The agreement determines long-term service providers and assigns Tigard as the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. Table 3 summarizes changes in local service standards between current and future providers.

### Urban Service Requirements Prior to Annexation

Table 4 on p. 8 provides an overview of how annexation affects services. It lists current services, providers before and after annexation, and identifies local service standards. Table 4 demonstrates that City of Tigard standards are higher for parks and open space, street maintenance, police, and long-range planning.

Of those services, parks will require action by the County prior to annexation (see below). Road quality maintenance also will require action per the Tigard Urban Service Agreement (TUSA). County action will allow the City to provide its standard of service following annexation. All other services will require only staffing and equipment to meet local service standards as summarized in Table 4 on page 9. The specifics are addressed in section IIB beginning on page 10.

### ***Road Quality Maintenance***

- County improves roads so that all individual roads have a pavement condition index (PCI) of 40 or greater and the average PCI of streets and roads in the area is 75 or higher.

**Table 3. Summary of Annexation Impact on Service**

Service	Change
Long Range Planning	●
Police	●
Street Maintenance	●
Parks and Open Space	●
Road Quality Maintenance	●
Storm Sewer	●
Street Light Maintenance	●
Sanitary Sewer	●
Water	○
Schools	○
Recreation	○
Building & Development Services	○
Mass Transit	○
Fire Protection & Emergency Services	○
○ - No change	
● - Service same, provider changes	
● - Service, provider change	

<sup>6</sup> Neither Washington County nor Tigard provide this service at this time. However, Tigard has a Park and Recreation Advisory Board that can examine the issue in the future.



### ***Parks and Open Space***

- County collects parks system development charges (SDCs) for new development prior to annexation. Upon annexation, those funds will transfer to Tigard and be used toward new facilities.

Summary: Criteria 1 (Local Standards of Urban Service Availability)

- ☑ *All services except recreation are available to the Plan Area.*
- ☑ *Providers for each urban service are established, per urban service agreements.*
- ☑ *Local standards of urban service are identified.*
- ☑ *Where applicable, identifies steps needed by the County to meet local standards prior to annexation.*

**Table 4. Bull Mountain: Service Standard Changes Following Annexation**

<b>No Change: Service and Provider Remain the Same</b>		
<b>Service/Current Provider</b>	<b>Provider after Annexation</b>	<b>Do Local (Tigard) Standards differ from Current Standards?</b>
<b>Fire Protection &amp; Emergency Services</b> (Tualatin Valley Fire & Rescue)	<b>Tualatin Valley Fire &amp; Rescue</b>	No.
<b>Mass Transit</b> (TriMet)	<b>TriMet</b>	No.
<b>Building and Development Services</b> (City of Tigard)	<b>City of Tigard</b>	No. Tigard now provides these services for Plan Area through an agreement with Washington County. The agreement will cease but Tigard continues same services.
<b>Recreation</b> (No provider)	<b>No provider.</b> Tigard does not provide recreation services.	No. Not currently provided. However, Tigard has a Park and Recreation Advisory Board that can examine the issue in the future.
<b>Schools</b>	<b><u>Annexation does not change school district boundaries.</u></b>	
<b>Water</b> (City of Tigard through a contract with Tigard Water District)	<b>City of Tigard.</b>	No.
<b>Service Remains the Same, Provider Changes</b>		
<b>Sanitary Sewer</b> (Clean Water Services; City of Tigard Jan. 1, 2005)	<b>City of Tigard.</b> The City will provide maintenance as of Jan. 1, 2005, per an agreement with Clean Water Services. It is not affected by annexation.	No.
<b>Street Light Maintenance</b> (Washington County)	<b>City of Tigard</b>	No.
<b>Storm Sewer</b> (Clean Water Services; City of Tigard Jan. 1, 2005)	<b>City of Tigard.</b> The City will provide maintenance as of Jan. 1, 2005, per an agreement with Clean Water Services. It is not affected by annexation.	No.
<b>Road Quality Maintenance*</b> (Washington County) (*Actions to maintain pavement quality)	<b>City of Tigard.</b>	No. However, the Tigard Urban Service Agreement (TUSA) requires the County to improve individual roads to pavement condition index (PCI) of at least 40, with all roads averaging at least 75, prior to transferring roads and service.
<b>Service Changes, Provider Changes</b>		
<b>Parks and Open Space</b> (No provider) Washington County does not provide these services to unincorporated areas.	<b>City of Tigard.</b>	Yes; 8 acres/1,000 people.
<b>Street Maintenance –</b> (Washington County through the Urban Road Maintenance District)	<b>City of Tigard.</b>	Yes. Mowing roadside grass and brush (strip and ditch line). Dust abatement on graveled roads. Vegetation removal for vision clearance. Crack sealing and road shoulders on 4-year cycle.
<b>Police</b> (Washington County Enhanced Sheriff Patrol District)	<b>City of Tigard</b>	Yes. Additional .5 officers/1000 people (city standard is 1.5 officers/1000). Response times for Priority 1 and 2 calls under four minutes.
<b>Community Development – Long Range Planning</b> (Washington County).	<b>City of Tigard.</b> This includes comprehensive planning, such as master plans. The 1983 Bull Mountain Community Plan is the operative plan Washington County has in place for the Plan Area.	Yes. Staff serves smaller area than County; focuses on local projects. Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.



## B. SCHEDULE FOR PROVIDING URBAN SERVICES

*An annexation plan adopted under ORS 195.205 shall include  
The planned schedule for providing urban services to the annexed territory.*

As shown in section IIA, the Plan Area receives most urban services today, four of which will be provided at higher standards after annexation. All services would be available upon annexation, due to the continuation of existing services per the Tigard Urban Service Agreement (TUSA).

To ensure smooth transitions, this section identifies when providers would transfer services. The following analysis reviews staff and equipment needs and evaluates where gradual provider transitions will best serve the Plan Area, are dictated by the TUSA, or are required to maintain existing service levels to current City of Tigard residents. *The Bull Mountain Annexation Plan* defines the annexation effective date (“upon annexation”) as the day properties become part of Tigard’s tax rolls. For analysis purposes, this section assumes a date of July 1, the first day of the new fiscal year following an approval by voters.

### **Equipment and Staff Needs**

For *The Public Facilities and Services Assessment Report*, City of Tigard staff from all affected departments projected start-up costs, needs, and ability to serve the entire Bull Mountain area or individual areas upon annexation. Each department based its analysis on current population and housing unit estimates, future service needs at build-out, and service standards.

All departments – except for Public Works (Streets Division)– concluded that they could absorb any or all subareas using current resources, and without significantly reducing services to existing residents.

The Public Works and Police departments concluded the following:

- **Public Works.** Annexation of the Plan Area would increase the road mile inventory by 23%. The Streets Division could not absorb the entire Plan Area’s roads and streets upon annexation without hiring two employees and purchasing three trucks immediately.
- **Police.**
  - **Response Times.** Police could absorb all or any subareas with existing resources and maintain its standard of responding to Priority 1 and 2 calls (crimes in progress) in under four minutes. There would be a temporary reduction in response time to Priority Three calls (lowest priority, no one in danger; i.e., car prowler) within a few minutes. Internal adjustments would occur to fully staff patrols until additional officers could be hired and fully trained.
  - **Staff.** The entire Plan Area requires 11 police officers, 1 supervisor, and 1 support staff. New officer hiring procedures established in 2003 now reduce the training time needed to six months, as recruiting time has been significantly shortened by maintaining an applicant pool.

A detailed plan and schedule for hiring staff and purchasing or transferring equipment from Washington County will be developed, as required by the TUSA.

### **Agreement Provisions**

The TUSA includes separate agreements for each service. For those services transferring to Tigard, the agreements state “upon annexation.” There are two exceptions: roads and sanitary/storm sewer.

The TUSA states that within 30 days of annexation, the City will initiate jurisdiction transfer of roads, completing the transfer within one year from the annexation effective date. This applies to all roads and streets with a county road number (Appendix F). Those roads and streets without a county road number automatically transfer upon annexation. The sewer agreement defers to a separate operating agreement between the City and Clean Water Services. The operating agreement transfers sanitary and storm sewer maintenance to the City on Jan. 1, 2005. The agreement covers an area including Tigard, Bull Mountain, King City, Durham, and Metzger, and includes provisions for equipment and funding. Annexation does not affect the transfer or provision of sanitary and storm sewer services.

### **Proposed Schedule for Tigard Assuming Urban Services**

A thorough consideration of TUSA requirements, Bull Mountain’s service needs, and the effects on existing services to Tigard residents suggests the following schedule:

**Table 4. Proposed Schedule for Tigard to Provide Urban Services**

<b>Immediately Upon Annexation</b>	
Building and Development Services (already provided)	
Parks and Open Space — Bull Mountain receives resident privileges for City parks	
Police	
Sanitary and Storm Sewer (provided by Tigard effective January 1, 2005)	
Street Light Maintenance	
Streets and Roads (without a County Road Number) (see Appendix F)	
Water	
<b>Within 1<sup>st</sup> year</b>	
•	<b>Parks and Open Space</b> —Initiate Capital Project planning for Cache Creek Nature Park. Explore additional park opportunities adjacent to Cache, including Tigard Water District reservoir property and Clute property. Develop playground either on Cache Creek or adjacent property. Maintenance begins once lands are bought and developed.
	<b>Road Quality Maintenance and Street Maintenance:</b> Roads without county numbers automatically transfer with annexation. Within 30 days of annexation, the City will initiate the process to transfer jurisdiction of roads with county numbers. This transfer should take no more than one year from annexation effective date.
	<b>Long-Range Planning</b> — Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.

Summary: Criteria 2 (Schedule for Providing Urban Services)

- ☑ City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents.
- ☑ City of Tigard will assume all services upon annexation, except Road Quality and Street Maintenance for county number roads.
- ☑ City of Tigard will initiate transfer of county-number roads and streets within 30 days of annexation, serving within 1 year.
- ☑ Following annexation and within the first year, Tigard will initiate capital project planning for Parks and Open Space and long-range planning.
- ☑ Police can serve the entire area without significantly reducing response times. Priority 1 and 2 calls would be maintained at under 4 minutes; only a reduction in Priority 3 calls (lowest priority; no one in danger) will occur until additional staff is hired and trained.

## C. TIMING AND SEQUENCE OF ANNEXATION

***An annexation plan adopted under ORS 195.205 shall include Timing and Sequence of Annexation.***

Annexation plans offer the option of phased, or incremental, annexations. In some instances, it may be more efficient to annex an entire area at one time. In other cases, a phased annexation allows the necessary time for service providers to hire enough staff and buy equipment.

*The Public Facilities and Services Assessment Report* examined nine sequencing options to identify the combinations which allowed the City to annex and efficiently serve the unincorporated Bull Mountain area: subareas alone, in contiguous pairs (i.e., West and North); and All Areas at once. It also studied how timing (i.e., the year of annexation) affected service costs and the availability of capital improvement funds in the Plan Area.

### **Sequencing**

#### *Factors*

Four evaluation factors were chosen based on Tigard Comprehensive Plan policies, which require annexations 1) to not significantly reduce service levels to the City of Tigard and 2) the affected property to receive efficient service provision at capacity (no service islands or irregular boundaries). Each factor was weighted, based on the extent to which it implements those policies:

- 1) *Financial Impact*. Will this area be a financial drain on the city? Do service needs outpace tax dollars, and are there large capital improvements needed in the short term? (45 points)
- 2) *Efficiency of service provision*. Is it easy to access this area, or will staff have to cross unincorporated areas to do so? Does it create islands of unincorporated areas? Is there an economy of scale? (30 points)
- 3) *Adjacency to the new Urban Growth Boundary properties*, located to the south and west of the Plan Area. Metro approved these areas in December 2002. A future city link to these areas would enable long-term planning. (20 points)
- 4) *Additional Considerations*. An additional category was also included to capture additional considerations, such as publicly owned land with park potential, that didn't fit into the three main categories (5 points).

#### *Ranking*

The evaluation matrix ranked the nine options (the full evaluation matrix is located in Appendix E), concluding the following:

- The more areas annexed, the higher the ranking due to an increase in efficiency. Annexing All Areas at once ranked most highly, due to economy of scale and its ability to support areas that ranked less highly.
- The contiguous pairs were ranked the next highest, followed by all individual subareas, with the exception of West. In every combination except All Areas, West ranked low since it does not connect to City boundaries.

### *Consider Available Resources*

The plan must also consider comments by individual service providers regarding their ability to serve the area upon annexation, per the Comprehensive Plan. As detailed in section IIB, all service providers except for Public Works (Streets Division) and Police could absorb any or all subareas with current resources.

- **Public Works (Streets Division)** requires additional resources to serve the entire area upon annexation. Six months prior to assuming services, the department would require two additional staff and three trucks. Annexing without these resources would reduce services, including street light clearance pruning, crack sealing, and postponement of speed humps, unless the county-number roads transfer was delayed, as the TUSA allows.
- **Police** can serve Bull Mountain and the City of Tigard with current staff, resulting only in a temporary reduction in Priority Three (lowest priority) call response times. The Priority 1 and 2 response time would be maintained at under 4 minutes. The response time to Priority Three calls would vary within minutes, and citizens would not see a difference. Internal adjustments would occur to fully staff patrols until additional officers could be hired and fully trained. The department will need to hire 11 additional officers, 1 supervisor, and 1 support staff.

The *Public Facilities and Service Assessment Report* concluded that delaying the effective date of annexation by up to a year would allow hiring and training of police staff and purchase of new equipment. However, since the report was completed, Police stated that an All Areas annexation would provide an advantageous economy of scale, as a larger department can provide more services and reduced response times. In addition, the recruiting and training process has been reduced to six months.

*Conclusion: To maintain citywide level of service, either acquire staff and equipment prior to annexation or for streets, delay transfer of county-number roads.*

### **Timing**

The assessment report examined how timing (i.e., the year of annexation) affects the availability of capital improvement funds and general revenues in the Plan Area.

#### *Capital Improvement Funds*

Funding for capital improvements, such as major road improvements, parks, and sanitary and storm sewer, are partially funded by system development charges (SDCs) paid by new development. SDCs act as growth management tools by helping pay for system improvements, such as roads and parks, needed as population and households increase.

In the Plan Area, SDCs are collected for storm and sanitary sewer, roads (the traffic impact fee or TIF), and water. However, Washington County does not collect parks SDCs in the Plan Area or provide parks services. Because SDCs are one-time charges applied to new developments, each new home built without SDCs represents lost revenue.

The City of Tigard collects parks SDCs within its city limits, which are used for developing new parks. Once the County adopts a parks SDC for the Plan Area, and following annexation, SDCs would be collected and directed into City projects. The County will adopt

a parks SDC after the Tigard City Council adopts the annexation plan and acts to place it on the November 2004 ballot. Without a parks SDC, delaying annexation impacts the City's ability to address Bull Mountain's parks capital needs. Each incremental delay lessens contributions – or eliminates them entirely in some subareas (new developments have been built). Based on recent development trends, the assessment report recommended that annexation of All Areas should occur by 2005 to maximize potential financial contributions. *Conclusion: Annex All Areas by 2005 or have Washington County institute Parks SDCs in the interim and allow more time for annexation.*

### **Timing and Sequencing**

With voter approval, the entire Plan Area will be annexed effective July 1, 2005. In the assessment report, this option ranked the most highly due to economies of scale. Except for maintenance of County-numbered roads, Tigard will assume responsibility for urban services other than fire protection and mass transit. If voters approve the plan, the City will hire additional personnel and obtain additional equipment needed to maintain service standards for Public Works (Streets). Tigard will assume responsibility for County-numbered roads by agreement with the County, with the transfer of jurisdiction over those roads to occur within one year of annexation. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. The City will initiate the 6-month hiring/training process prior to annexation. The City will maintain existing levels of service within the City and will maintain or improve levels of service within the area to be annexed.

#### **Summary: Criteria 3 (Timing and Sequence)**

- ☑ *The more areas annexed, the higher the ranking due to an increase in efficiency.*
- ☑ *To maintain citywide service levels requires acquisition of staff and equipment prior to annexation for Public Works –Streets. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. The City will initiate the 6-month hiring/training process prior to annexation.*
- ☑ *The TUSA requires the City to initiate the transfer of county numbered roads within 30 days of annexation, with full transfer within one year.*
- ☑ *To fund future capital improvements, annexation should occur by 2005 or have Washington County institute a parks SDC in the interim and allow more time for annexation.*
- ☑ *Therefore, annex all areas of Bull Mountain in July 2005, but ramp up staffing prior to annexation based on service needs.*

## D. EFFECTS ON EXISTING URBAN SERVICES PROVIDERS

***An annexation plan adopted under ORS 195.205 shall include  
The effects on current urban services providers.***

Previous sections evaluated the City of Tigard's ability to provide urban services to the Bull Mountain area. However, the service providers that cease serving the area would also be affected. This section examines the impact of withdrawing the Plan Area from current service districts, both on service quality and finances. Table 3 on page 7 provides a summary of service provider changes. The following information was developed in coordination with Washington County and the Tigard Water District, and is based upon estimated 2003 population and housing units (Table 1 on p. 2).

### **Washington County**

#### **Service Districts**

Washington County reviewed how annexing the Plan Area would impact County services and the services of its special districts based on 2003 data. It determined that there will be no significant impact on these services.

#### *Enhanced Sheriff's Patrol District (ESPD)*

The ESPD is funded with a two-tiered financing plan that includes a permanent rate of \$0.6365 per \$1,000 and a local option dollar levy of \$6,150,000 per year for five years. The local option levy is authorized through 2008. As a result of this financial structure, only property tax revenue derived from the permanent rate will be affected by the proposed annexation.

Annexation of the Plan Area would remove an estimated 3,192 properties from the ESPD area, or 5.3% of the ESPD assessed value. As a result, the district would lose an estimated \$397,000 from the permanent rate if the entire Plan Area were to annex in one piece.

The ESPD supports a total of 94 certified officers. At the ESPD average service level of .51 officers per 1,000 population, the theoretical reduction in staff due to the annexation would be an estimated 3.9 FTE, or 4.1% of ESPD certified officers. However, it is anticipated that growth elsewhere in the district will mitigate the need for actual staff reductions. Therefore the impact on the ESPD from the annexation is considered minimal, due to the expected future growth in the remaining district over the next five years.

#### *Urban Road Maintenance District (URMD)*

The property tax revenue loss to the URMD is estimated to be \$153,000. This represents 5.5% of revenue of the URMD. The district provides the majority of its services through contracts rather than with paid staff. Due to the relatively small proportion of the URMD service area impacted by the proposed annexation and its reliance on contract-based work, the impact on the URMD is considered minimal.

#### *Street District for Lighting (SDL)*

Washington County operates a street lighting district throughout the County. As areas develop, special assessment areas are established to collect and pay for street light installation, maintenance, and power. The assessments are determined specifically for each area based on actual costs and assessed annually on property tax bills.

The proposed annexation area includes 49 street lighting district assessment areas encompassing 2,430 tax lots. The total assessment to be levied in these areas for FY 2003-04 is \$83,530.

Upon annexation, the street lighting assessments will no longer be levied. The impact of this lost revenue on the SDL is considered insignificant: the costs to provide maintenance and operation in the Plan Area will be absorbed by Tigard and no longer paid by the district. Because the street lighting assessments are included on property tax bills, coordination of the transition from the County Street District for Lighting to the City of Tigard will be important.

#### *Washington County*

Washington County would lose its Bull Mountain share of County gas tax at an estimated \$3.71 per capita or \$27,179 due to the proposed annexation. The County would also lose an estimated \$43,475 per year in cable television franchise fees. Total County operating revenues from all sources for FY 2003-04 are \$297,000,000. The loss of the County gas tax share and cable franchise fee share will not have a significant impact on Washington County.

The County also has established a number of Road Maintenance Local Improvement Districts (LIDs) throughout the County. The County establishes these LIDs and determines the assessments, but it has not imposed the assessments. The purpose of each district is to ensure that road maintenance activities will be adequately funded as new development occurs. They are a backup funding mechanism to the Urban Road Maintenance District. No assessments have been levied; therefore, the districts have no fiscal impact.

#### **Tigard Water District**

The Tigard Water District (TWD) consists of approximately 3,500 accounts within the Urban Growth Boundary (UGB). It is generally bounded by Barrows Road on the north, Tigard city limits on the east, Beef Bend Road on the west and King City on the south. TWD, the City of Tigard, King City, and Durham compose the Intergovernmental Water Board. TWD serves properties that are inside the Urban Growth Boundary but unincorporated.

#### *Financial Impacts*

The district collects its only revenues from 1% of total water sales within its boundaries. All water sales are billed and managed by the City of Tigard, and the 1% is remitted on an annual basis.

Current accounts generate approximately \$18,000 in revenue for TWD. Annexing the Plan Area would withdraw 83% of current accounts and just less than half (48.6%) of the current



annual revenue. Approximately 524 accounts would remain in the district, producing approximately \$9,450 in revenue (Appendix B contains all figures).

#### *Institutional Impacts*

As Tigard and King City annex land, they withdraw those lands from TWD. If the Plan Area is annexed, approximately 83% of the current accounts would be withdrawn. The remaining district territory is within the UGB and would be annexed in the future. At that time, the district will cease to exist.

The TWD Board has discussed this scenario and has been briefed by the Tigard City Attorney on the process of dissolving the district, should the need develop. However, annexing the Plan Area would not necessarily cause the district to dissolve since approximately 524 accounts would remain. Those accounts could be annexed into either King City or Tigard in the future. The Tigard Water District Board may choose to dissolve the district following procedures clearly laid out in state law; that decision rests with the TWD Board.

#### **Other Districts**

The Plan Area currently is served by Tualatin Valley Fire and Rescue (TVF&R), TriMet, and Clean Water Services. The proposed annexation will have no impacts on TVF&R or TriMet, which also provide service to the City of Tigard.

The City of Tigard and Clean Water Services have entered into an agreement to transfer operation and maintenance of a portion of the Clean Water Services territory, including the Plan Area, to the City of Tigard effective January 1, 2005. The City is already scheduled to provide these services regardless of annexation. Therefore, the annexation of this territory to the City of Tigard is anticipated to have no impact on Clean Water Services.

#### Summary: Criteria 4 (Effects on Existing Service Providers)

- ☒ *Washington County's services or the services of its special districts would not be significantly impacted by the annexation.*
- ☒ *The Tigard Water District would lose 83% of current accounts and 48.6% of current annual revenue. However, this does not cause the district to dissolve, as it can continue to serve its remaining customers.*
- ☒ *Other service providers would not be significantly impacted.*

## E. LONG-TERM BENEFITS OF THE PLAN

*An annexation plan adopted under ORS 195.205 shall include*  
**The long-term benefits of the annexation plan.**

Individual annexations will occur in the Plan Area with or without an annexation plan. Currently, annexations occur at the owner's request, resulting in a piecemeal approach to incorporation. In contrast, *The Bull Mountain Annexation Plan* provides a comprehensive strategy for annexation, and long-term planning offers long-term benefits:

- **Completing the community.** Annexation would allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community. The plan presents a significant step toward completing our community as it was envisioned 20 years ago.
- **Smooth transition.** All needed services have been identified, along with interim measures to get these services on-line prior to annexation. Citizens can depend on a smooth transition.
- **Efficiency.** Ensures that annexations occur in an orderly manner. It eliminates piecemeal annexations, which can create inefficiencies for service providers due to irregular boundaries. By coordinating services, agencies assure that services are not duplicated and are provided by the most appropriate provider, leading to cost-savings and more efficient services.
- **Certainty in Service Provision.** The plan establishes a date for annexation and service area adjustments, which allows the City, County and affected special districts to plan for changes and capital improvements. The plan provides certainty for homeowners and developments on annexation's timeline, which can be factored into future decisions in the Plan Area.
- **Urban services by an urban provider.** Bull Mountain has grown beyond its rural roots, and become an urbanized area with streets, sidewalks, and services that require city-level maintenance. Urban areas need urban service providers, as envisioned in the Tigard and Washington County comprehensive plans. Cities, not counties, are best equipped to provide urban services, and past agreements have assigned this role to Tigard in Bull Mountain. Bull Mountain would receive its services from a provider just down the street who can respond quickly to service needs. Maintaining facilities at higher levels protects the original investment and prevents more costly improvements in the long run, maximizing available funds.
- **Known costs and benefits.** The plan clarified the costs and benefits of annexation to Bull Mountain residents, citizens of Tigard, the City and the County, and to all related agencies. By anticipating future needs, the analysis concluded that services can be provided to both Bull Mountain and current residents without a significant

reduction in services. It assures current Tigard residents they can continue to rely on the same standard of service they receive today. Annexation will not raise taxes for current Tigard residents.

- **Equity.** Annexation would allow all users to equitably share service costs. Bull Mountain residents enjoy Tigard parks and its library, but Tigard resident taxes pay for parks maintenance and almost half of the library capital costs (the other half comes from the County library system, for which all County residents pay). With annexation, everyone would pay for the same service, and facilities will benefit from increased maintenance dollars.
- **Parks services.** Tigard provides parks services only to the incorporated area. Upon annexation, Bull Mountain will receive resident privileges. Once the area is annexed, Tigard can collect funds for acquisition, planning and development of parks, including Cache Creek in the North subarea.
- **Unify the community.** As citizens of Tigard, Bull Mountain residents would have a say on local issues that affect their community's future. Although Tigard has included Bull Mountain residents in its planning efforts (The Parks Master Plan, Tigard Beyond Tomorrow), Bull Mountain residents cannot vote on Tigard issues or its leaders, or run for City Council. Considering this plan together would help both parties work together for their future.

Most of all, an annexation plan takes the guesswork out of future annexations. It is a blueprint for the Plan Area that clearly quantifies the future: *when* will annexation happen, *how* will it occur, *what* services can residents expect, and *how* much will it cost, and *why* it's going to happen. Both the Plan Area and the City can plan for the future, as they move closer to completing their community.

Summary: Criteria 5 (Long-Term Benefits)

- ☑ *The plan provides a comprehensive approach to annexation. The plan's benefits include certainty, efficiency, smooth transition, more capital improvement dollars, urban services by an urban provider, quantifying the costs and benefits, equity, parks, and unifying the community.*
- ☑ *It allows the city and residents to plan for Bull Mountain's future.*

### III. ADDITIONAL ANNEXATION PLAN REQUIREMENTS

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*The Bull Mountain Annexation Plan* proposes an orderly transition of services. It addresses the criteria contained in ORS 195.220:

1. Local standards of urban service availability required as a precondition of annexation;
2. The planned schedule for providing urban services to the annexed territory;
3. The timing and sequence of annexation;
4. The effects on existing urban services providers;
5. The long-term benefits of the annexation plan.

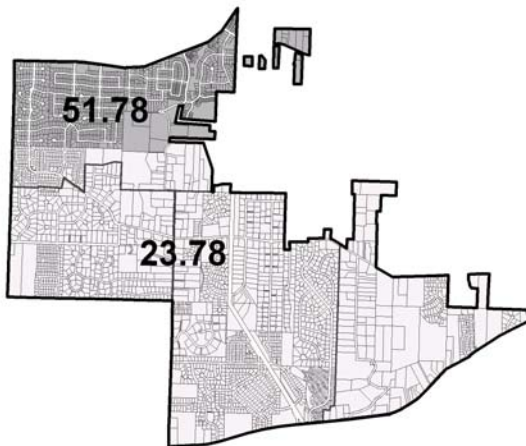
The plan process includes two other considerations:

**1. Urban Services Agreement** with all urban services providers in the Plan Area. All providers in the Plan Area signed the Tigard Urban Service Agreement, and it took effect in February 2003. A copy is included as Appendix D.

**2. Fiscal impact agreement** between the county and annexing city if the annexation causes reductions in the county property tax revenues (compression). The Washington County Finance Department conducted the following analysis:

ORS 195.205(2)(b) states that “The territory contained in the annexation plan is subject to an agreement between the city and county addressing fiscal impacts, if the annexation is by a city and will cause reductions in the county property tax revenues by operation of section 11b, Article XI of the Oregon Constitution.”

Section 11b, Article XI of the Oregon Constitution (commonly known as Measure 5) limits total non-school property tax rates to no more than \$10 per \$1,000 of assessed valuation. If the tax rates of all non-school taxing jurisdictions exceed \$10 per \$1,000, the rates of each district are proportionately reduced to bring the total under the \$10 limit. This process is called compression.



The proposed Bull Mountain annexation area makes up the majority of tax code area 23.78 and 51.78. The government tax rate in both code areas for FY 2003-04 was \$6.0101 per \$1,000. With tax rate adjustments in both codes due to the proposed annexation, the estimated resulting rate will be \$7.1126 per \$1,000. This rate is well below the \$10 Measure 5 cap and therefore compression is not likely to occur in the near future. The Plan Area will continue to pay County taxes after annexation, as all Tigard areas do.

As a result, no agreement between the City and the County is required under this section because annexation of the Plan Area is not expected to cause reductions in County property tax revenues due to compression.

### Summary: All Requirements for Annexation Plans

#### 1. Plan Criteria

- ☒ Local standards of urban service availability required as a precondition of annexation;
- ☒ The planned schedule for providing urban services to the annexed territory;
- ☒ The timing and sequence of annexation;
- ☒ The effects on existing urban services providers;
- ☒ The long-term benefits of the annexation plan.

#### 2. Pre-Requisite

- ☒ Urban Service Agreements in place. (TUSA; effective February 2003)

#### 3. Fiscal Impact Agreement Between City and County if Compression Occurs

- ☒ County property taxes will not be reduced due to compression. No fiscal agreement is required.

- ☒ All requirements have been addressed.

## IV. CONCLUSION

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*The Bull Mountain Annexation Plan* presents a systematic and efficient approach to annex unincorporated Bull Mountain and a move toward completing the Tigard community. The plan provides a proposal for Tigard to annex all areas of Bull Mountain in 2005.

Using existing service agreements among agencies and cost-benefit analyses, the plan is grounded solidly on state law ORS195.220 and addresses all the ORS195.220 criteria: the provision (how and when) of urban services, annexation's impact on existing providers, the timing and sequence of annexation, and the plan's long-term benefits.

The plan complies with state and Metro criteria. It also complies with the applicable City of Tigard Community Development Code and Comprehensive Plan policies. The annexation plan provides a blueprint for annexation, and for constructing an united Tigard and Bull Mountain community.

## APPENDIX A

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### GLOSSARY

**Annexation:** The act of permanently bringing unincorporated land areas into a City by transferring properties from the County tax roll to the City tax roll. Householders become residents of the annexing city, and receive City resident services.

**Annexation Effective Date:** Following a yes vote and verification of results, annexation would become effective day one of the following fiscal year (July 1, 2005).

**Availability:** The service is provided to the area and the infrastructure is present. It does not mean that each household receives the actual service; for example, in the case of sewer, hook-ups are available in the area, but some households maintain septic tanks until they decide to connect.

**Comprehensive Plan:** The document that envisions how lands will be used and developed in a community and sets policy accordingly. It coordinates all functional and natural systems (i.e., facilities and natural resources). Each Oregon jurisdiction is required by state land-use planning laws to have an adopted comprehensive plan. The plan includes a generalized land use map. The land-use zoning code implements the comprehensive plan. Tigard's is available on its website, [www.ci.tigard.or.us](http://www.ci.tigard.or.us)

**Long-Range Planning:** Arm of Community Development that is tasked with meeting State Planning Goals. Staff develops long-term land use and transportation strategies, and plans for future growth.

**Plan Area:** The area proposed to be annexed, as shown on **Map 1, page 4**.

**Unincorporated:** Lands that are not located inside any city limits. These areas are governed by Washington County.

**Urban Growth Boundary (UGB):** Boundary that divides metropolitan areas from the surrounding rural areas. Areas within the UGB can be developed at urban standards; areas outside the UGB cannot.

**Urban Planning Area:** The City of Tigard's ultimate boundary, determined through the Urban Planning Area Agreement with Washington County.

**Urban Service:** Services that typically are provided to incorporated areas. ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. *The Bull Mountain Annexation Plan* also considers the following services as urban: police, storm sewer, building and development services, and street light maintenance.

**Urbanization:** To provide for an orderly and efficient transition from rural to urban land use, consistent with State Planning Goal 14 (Urbanization). Land within the boundaries separating urbanizable land from rural land (UGB) is considered available over time for urban uses.

**ACRONYMS:**

**ORS:** Oregon Revised Statutes; state law.

**SDCs:** System Development Charges. Fees paid by new development to fund future capital improvements. SDCs act as growth management tools by helping pay for system improvements needed as population and households increase.

**TUSA:** Tigard Urban Services Agreement. Signed by the City, Washington County, and all current and future service providers for the unincorporated areas within Tigard's planning area. Determines future service providers and process for transferring services between providers upon annexation. The TUSA took effect in February 2003, and is a pre-requisite for an annexation plan.

**UGB:** Urban Growth Boundary. Divides metropolitan areas from the surrounding rural areas. Areas within the UGB can be developed at urban standards; areas outside the UGB cannot.

**UPAA:** Urban Planning Area Agreement. An agreement between Washington County and City of Tigard which established Bull Mountain as part of the City's Urban Planning Area. It was originally signed in 1983 and updated most recently in fall 2003.

**USIGA:** Urban Services Intergovernmental Agreement. An agreement between Washington County and the City of Tigard in which the City of Tigard agreed to provide certain urban services to unincorporated areas (including Bull Mountain). It was signed in 2002.



### Bull Mountain Annexation Plan Fiscal Analysis Update November 2003

The City of Tigard has conducted two previous studies of the impacts of annexing the Bull Mountain area. *The Bull Mountain Annexation Study* was completed in November 2001. *The Public Facilities and Services Assessment Report for the Bull Mountain Area* (draft) was completed in July 2003. Both studies looked at a variety of factors, including the costs of direct service to the Bull Mountain area and revenues that would be generated to pay for those services. These analyses did not attempt to calculate central administrative costs on the assumption that the existing central administrative support structure could absorb the additional workload that would come with annexation of additional territory.

The earlier studies looked at the costs and revenues associated with annexation at points in time (current, maximum build-out, and medium build-out in the *Annexation Study*; and 2005, 2010, and 2015 in *Draft Public Facilities and Services Assessment Report*.) For the purposes of this *Annexation Plan*, it is necessary to look at the total cost of service at the point of full development (which may not be the same as developing to the maximum capacity.) For the purposes of this analysis, we have assumed that the area will reach maximum development by 2015. Accordingly, this *Plan* looks at the cost of providing the level of services needed in 2015 and the operating revenues generated at that level of development.

In addition to operating costs and revenues, it is also necessary to analyze one-time capital needs and revenues. The analysis in this Plan looked at the level of one-time capital revenues generated from the point of annexation (assumed to be 2004) to the level of development anticipated in 2015.

The fiscal impacts of the earlier studies were calculated in 2001 and 2002 dollars. For purposes of this *Annexation Plan*, those fiscal analyses were updated to reflect 2003 dollars. No assumptions for future inflation were built into either the revenue or cost estimates.

Cost and revenue projections for the study area rest on three primary footings: population, number of housing units, and current assessed values.

First, staff reviewed and updated housing unit and population figures for all four sub areas. There have been a number of annexations to the City of Tigard within the study areas since 2002. Each annexation changed the boundaries of the study area and reduced the number of housing units and population remaining to be annexed. In addition, staff reviewed boundaries between sub areas to make sure that they followed subdivision and tax lot lines. Based on this review, staff

changed the boundary between the North and West sub areas. Finally, staff updated housing unit and population figures to reflect recent development.

Washington County staff used the updated maps of the Bull Mountain study area and sub areas to determine current assessed values.

The net effect of the changes discussed above were minor adjustments to the number of housing units and population. Given the small size of these adjustments, staff determined that earlier work to determine the basic costs of ongoing services to, and one-time capital needs of the study areas were still valid. Two corrections were identified, however. The November 2001 study identified two costs which were inadvertently omitted for the July 2003 study: the costs of recruiting 13 new police officers required to serve the Bull Mountain area and the cost of expanding the Police Department building to house the additional officers. Both costs have been added back into the Annexation Plan. Finally, all operating costs were increased by the Consumer Price Index of 1.68% to update the 2002 projections to 2003 dollars. All one-time capital costs were updated by the Construction Cost Index of 2.1% to reflect 2003 dollars.

Staff also reviewed and updated all revenue projections. Since the earlier two studies, some fees and charges have been increased. In addition, other revenues are estimated on a per capita or per housing unit basis. Many of those revenues have fluctuated, which required updating of per capita and per housing unit rates. These revised rates were then applied to the updated housing unit and population figures.

Finally, since the publication of the two earlier reports, a citizen Transportation Funding Task Force has recommended the adoption of a street maintenance fee to help pay for major maintenance of the street system. Statewide, most jurisdictions are dealing with insufficient gas tax and other street-related revenues which are impacting their ability to maintain their street systems. Many jurisdictions, including Tigard, are looking for additional funding sources such as the street maintenance fee.

This recommendation has been presented to the City Council, which has directed staff to prepare an ordinance to implement the fee and to bring that ordinance back to the Council for their consideration. (Note: Council has since approved Ordinance 3-10 on Nov. 18, 2003 to establish and impose the fee; passed Resolution 4-12 on Feb. 24, 2004, which established the rates; and implementation began April 1, 2004. Appendix C, the Tax Rate Table, includes the residential Street Maintenance Fee rate in its calculations.)

In updating the earlier financial analyses, staff has calculated the annual revenues from a street maintenance fee structured as recommended by the Transportation Funding Task Force, and calculated how much revenue that fee would produce from the Bull Mountain Annexation area in 2004. The following

## Appendix B

table shows how much revenue would be generated in 2004 from the Bull Mountain area if this fee is adopted by the Tigard City Council and Bull Mountain is annexed. These revenues would help to offset costs shown on the following tables charged to the Gas Tax Fund.

Table 1  
Potential 2004 Bull Mountain Street Maintenance Fee Revenues

North	West	South	East	Total
\$26,743	\$9,319	\$31,680	\$4,514	\$72,257

The following tables present the updated cost and revenue projections for the Bull Mountain area.

Table 2a  
Projected Revenues and Costs by Fund for the Bull Mountain Area, North Unit  
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	\$1,001,368	\$533,298	\$468,070
Gas Tax	\$121,782	\$147,302	(\$25,520)
Sanitary Sewer	\$72,195	\$47,977	\$24,218
Storm Sewer	\$41,112	\$45,138	(\$4,026)
Water	\$535,188	\$349,271	\$185,917

Table 2b  
Projected Revenues and Costs by Fund for the Bull Mountain Area, North Unit  
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	\$468,070	\$0	\$468,070
Gas Tax	(\$25,520)	\$297,111	(\$322,631)
Sanitary Sewer	\$309,113	\$295,069	\$14,044
Storm Sewer	\$54,474	\$0	\$54,474
Water	\$185,917	\$0	\$185,917
Traffic Impact Fee	\$318,240	\$3,461,190	(\$3,142,950)
Parks CIP	\$204,399	\$453,120	(\$248,721)
Water SDC	\$361,296	\$367,560	(\$6,264)

Table 3a  
Projected Revenues and Costs by Fund for the Bull Mountain Area, West Unit  
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	\$809,097	\$302,215	\$506,881

## Appendix B

Gas Tax	\$45,094	\$293,020	(\$247,927)
Sanitary Sewer	\$28,385	\$20,386	\$7,999
Storm Sewer	\$16,164	\$17,737	(\$1,573)
Water	\$210,420	\$147,639	\$62,781

Table 3b

Projected Revenues and Costs by Fund for the Bull Mountain Area, West Unit  
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	\$506,881	\$0	\$506,881
Gas Tax	(\$247,927)	\$315,489	(\$563,416)
Sanitary Sewer	\$356,204	\$384,917	(\$28,713)
Storm Sewer	\$69,927	\$0	\$69,927
Water	\$62,781	\$0	\$62,781
Traffic Impact Fee	\$388,960	\$530,920	(\$141,960)
Parks CIP	\$249,821	\$1,914,375	(\$1,664,554)
Water SDC	\$291,863	\$0	\$291,863

Table 4a

Projected Revenues and Costs by Fund for the Bull Mountain Area, South Unit  
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	\$1,261,667	\$625,477	\$636,190
Gas Tax	\$134,774	\$233,934	(\$99,160)
Sanitary Sewer	\$84,585	\$52,733	\$31,852
Storm Sewer	\$48,468	\$49,862	(\$1,694)
Water	\$627,042	\$388,113	\$238,929

Table 4b

Projected Revenues and Costs by Fund for the Bull Mountain Area, South Unit  
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	\$636,190	\$272,811	\$363,379
Gas Tax	(\$99,160)	\$2,552,500	(\$2,651,660)
Sanitary Sewer	\$316,747	\$95,974	\$220,773
Storm Sewer	\$56,806	\$0	\$56,806
Water	\$238,929	\$0	\$238,929
Traffic Impact Fee	\$318,240	\$1,255,830	(\$937,590)
Parks CIP	\$204,399	\$1,914,375	(\$1,709,976)
Water SDC	\$361,296	\$366,641	(\$5,345)

## Appendix B

Table 5a  
Projected Revenues and Costs by Fund for the Bull Mountain Area, East Unit  
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	\$1,649,439	\$262,738	\$1,386,701
Gas Tax	\$20,737	\$50,231	(\$29,494)
Sanitary Sewer	\$13,718	\$13,811	(\$93)
Storm Sewer	\$7,812	\$11,208	(\$3,396)
Water	\$101,695	\$147,944	(\$46,249)

Table 5b  
Projected Revenues and Costs by Fund for the Bull Mountain Area, East Unit  
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
General	\$1,386,701	\$0	\$1,386,701
Gas Tax	(\$29,494)	\$581,970	(\$611,464)
Sanitary Sewer	\$1,166,272	\$499,269	\$667,003
Storm Sewer	\$236,104	\$0	\$236,104
Water	(\$46,249)	\$1,337,510	(\$1,383,759)
Traffic Impact Fee	\$1,302,880	\$2,695,440	(\$1,392,560)
Parks CIP	\$836,813	\$5,743,125	(\$4,906,312)
Water SDC	\$1,479,152	\$9,025,640	(\$7,546,488)

Table 6a  
Projected Revenues and Costs by Fund for the Bull Mountain Area, Total Area  
Operating Costs

Fund	Revenue	Operating Cost	Balance
General	\$4,721,571	\$1,723,729	\$2,997,842
Gas Tax	\$322,386	\$724,487	(\$402,101)
Sanitary Sewer	\$198,883	\$134,907	\$63,976
Storm Sewer	\$113,256	\$123,945	(\$10,689)
Water	\$1,474,345	\$1,032,967	\$441,378

Table 6b  
Projected Revenues and Costs by Fund for the Bull Mountain Area, Total Area  
One-Time Capital Costs

Fund	Fund Balance/ Capital Revenue	One-Time Capital Cost	Balance
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## Appendix B

	Capital Revenue	Cost	
General	\$2,997,842	\$272,811	\$2,725,031
Gas Tax	(\$402,101)	\$3,747,070	(\$4,149,171)
Sanitary Sewer	\$2,148,336	\$1,275,229	\$873,107
Storm Sewer	\$417,311	\$0	\$417,311
Water	\$441,378	\$1,337,510	(\$896,132)
Traffic Impact Fee	\$2,328,320	\$7,943,380	(\$5,615,060)
Parks CIP	\$1,495,432	\$10,024,995	(\$8,529,563)
Water SDC	\$2,493,607	\$9,759,841	(\$7,266,234)

The results of these analyses show that the Bull Mountain annexation area will generally more than pay for direct general governmental operational services (primarily police and planning) and for direct operations of the two primary governmental utilities serving the area (water and sanitary sewer). The major exception to this trend is the operation of the street system. The operation of the street system is funded primarily from state and county gas taxes. Gas tax revenues attributable to the Bull Mountain area are insufficient to cover operating costs of street in that area.

One-time capital costs are paid for by a combination of operating fund balances and dedicated capital revenues. A comparison of available resources versus identified capital needs reveals major revenue shortfalls for most service areas. Simply put, the Bull Mountain area by itself will not produce enough revenues to build the capital facilities it needs for streets, parks, and water.

It is important to note that when looked at from a City perspective, this analysis can be misleading. The City operates a number of systems that serve the entire City (including in some cases the Bull Mountain area whether or not it is annexed), not discrete geographical areas. These systems include those covered in this analysis: Police, Streets, Water, Sanitary Sewer, Storm Sewer, Parks, and Planning services. Any one discrete geographical area in the City or adjacent to the City may or may not produce sufficient revenues to serve that area, but what is important is that the system as a whole can provide services to the entire area. The City's systems are financially strong, and these services can be provided to the entire area, including Bull Mountain should it be annexed to the City.

Conversely, this analysis can be very instructive when looked at from the perspective of an area being considered annexation. If the area were to attempt to obtain these same services at the level provided by the City of Tigard as a stand alone district, it may or may not be able to cover operating costs. It would be unable to pay for needed capital improvements without a substantial influx of additional revenues.

**Tigard Water District**

August 28, 2003

**Bull Mountain Accounts**

Route # 2, 10, 12, 36, 37, 38, 39, 42, 3, 41 (000-0860, 8023-9999)

Customer Type	# Active Accounts	# Suspended Accounts	Water Sales (Previous 12 Months)
Residential	2,880	69	\$837,838.05
Commercial	2	0	\$1,554.71
Irrigation	26	7	\$27,314.56
Multi-Family	27	0	\$30,508.58
Total	2,935	76	\$897,215.90

**All Other TWD Accounts**

Route # 92, 98, 86, 84, 41 (0851-8022)

Residential	459	12	\$101,340.91
Commercial	4	3	\$3,996.64
Irrigation	7	0	\$4,949.84
Multi-Family	38	1	\$834,844.73
Total	508	16	\$945,132.12

Note: Given the water sales for the previous twelve month period, the Tigard Water District would receive \$8,972.16 in revenue.

July 1, 2003 - June 30 2004  
 Estimated Property Tax and General Purpose Fees for a House  
 With an Assessed Value<sup>1</sup> of  
 \$250,000

Taxing District	City of Tigard Tax Area 23.74		Unincorporated Washington County Tax Area 23.78		Incr. or (Decr.) With Annexation	Unincorporated Washington County Tax Area 51.78		Incr. or (Decr.) With Annexation
	Rate	Amount	Rate	Amount	Amount	Rate	Amount	Amount
<b>Schools</b>								
Ed. Service Dist. - NW Regional	0.1538	\$38.45	0.1538	\$38.45	\$0.00	0.1538	\$38.45	\$0.00
Portland Community College	0.2828	\$70.70	0.2828	\$70.70	\$0.00	0.2828	\$70.70	\$0.00
Tigard School District - 23J <sup>2</sup>	5.9892	\$1,497.30	5.9892	\$1,497.30	\$0.00	0.0000	\$0.00	\$0.00
Beaverton School District - 48 <sup>2</sup>	0.0000	\$0.00	0.0000	\$0.00	\$0.00	6.1930	\$1,548.25	\$0.00
Total Education Taxes <sup>4</sup>	6.4258	\$1,606.45	6.4258	\$1,606.45	\$0.00	6.6296	\$1,657.40	\$0.00
<b>General Government</b>								
Washington County <sup>3</sup>	2.6576	\$664.40	2.6576	\$664.40	\$0.00	2.6576	\$664.40	\$0.00
Tualatin Valley Fire & Rescue <sup>3</sup>	1.7752	\$443.80	1.7752	\$443.80	\$0.00	1.7752	\$443.80	\$0.00
Port of Portland <sup>3</sup>	0.0701	\$17.53	0.0701	\$17.53	\$0.00	0.0701	\$17.53	\$0.00
City of Tigard <sup>3</sup>	2.5131	\$628.28	0.0000	\$0.00	\$628.28	0.0000	\$0.00	\$628.28
Metro <sup>3</sup>	0.0966	\$24.15	0.0966	\$24.15	\$0.00	0.0966	\$24.15	\$0.00
Washington County Enhanced Patrol	0.0000	\$0.00	1.1650	\$291.25	(\$291.25)	1.1650	\$291.25	(\$291.25)
Washington County Road Maintenance	0.0000	\$0.00	0.2456	\$61.40	(\$61.40)	0.2456	\$61.40	(\$61.40)
Wash. County Street Light Assessment <sup>5</sup>		\$0.00		\$35.00	(\$35.00)		\$35.00	(\$35.00)
Total General Government	7.1126	\$1,778.15	6.0101	\$1,537.53	\$240.63	6.0101	\$1,537.53	\$240.63
<b>General Obligation Bonds</b>								
Washington County	0.2377	\$59.43	0.2377	\$59.43	\$0.00	0.2377	\$59.43	\$0.00
Portland Community College	0.2290	\$57.25	0.2290	\$57.25	\$0.00	0.2290	\$57.25	\$0.00
Tigard School District - 23J	1.8949	\$473.73	1.8949	\$473.73	\$0.00	0.0000	\$0.00	\$0.00
Beaverton School District - 48	0.0000	\$0.00	0.0000	\$0.00	\$0.00	1.8172	\$454.30	\$0.00
Tualatin Valley Fire & Rescue	0.0513	\$12.83	0.0513	\$12.83	\$0.00	0.0513	\$12.83	\$0.00
Port of Portland	0.0000	\$0.00	0.0000	\$0.00	\$0.00	0.0000	\$0.00	\$0.00
City of Tigard	0.1650	\$41.25	0.0000	\$0.00	\$41.25	0.0000	\$0.00	\$41.25
Metro	0.1934	\$48.35	0.1934	\$48.35	\$0.00	0.1934	\$48.35	\$0.00
Tri-Met	0.1080	\$27.00	0.1080	\$27.00	\$0.00	0.1080	\$27.00	\$0.00
Total General Obligation Bonds	2.8793	\$719.83	2.7143	\$678.58	\$41.25	2.6366	\$659.15	\$41.25
Street Maintenance Fee		\$26.16		\$0.00	\$26.16		\$0.00	\$26.16
Grand Total	16.4177	\$4,130.59	15.1502	\$3,822.55	\$308.04	15.2763	\$3,854.08	\$308.04
Percent Change					8.1%			8.0%

Notes

- 1 Assessed Value no longer equals Market Value
- 2 Annexation to a city does not change the school district that serves the area
- 3 Permanent rate set by Measure 50
- 4 Education Taxes are limited by Measure 5 to no more than \$5 per \$1,000 of Real Market Value, but Measure 50 established permanent rates per \$1,000 of Assessed Value. The data presented is from the Washington County Assessors Office which is responsible for monitoring tax rates.
- 5 Those areas that are served by Street Lighting Districts pay for the cost of operating and maintaining the street lights. Washington County reports that the average annual assessment per household is \$35. Actual assessments vary by district.



# **TIGARD URBAN SERVICE AGREEMENT**

## **November 26, 2002**

This AGREEMENT is made and entered into by and between Washington County, a municipal corporation of the State of Oregon, hereinafter "COUNTY," the City of Tigard, a municipal corporation of the State of Oregon, hereinafter "CITY," Metro, a metropolitan service district of the State of Oregon, hereinafter "METRO," and the following Special Districts of the State of Oregon, hereinafter "DISTRICT(S),"

Clean Water Services;  
Tigard Water District;  
Tri-Met;  
Tualatin Hills Park and Recreation District;  
Tualatin Valley Fire and Rescue District; and  
Tualatin Valley Water District

### **RECITALS**

WHEREAS, ORS 195.025(1) requires METRO, through its regional coordination responsibilities, to review urban service agreements affecting land use, including planning activities of the counties, cities, special districts, state agencies; and

WHEREAS, ORS 195.020(4)(e) requires cooperative agreements to specify the units of local government which shall be parties to an urban service agreement under ORS 195.065; and

WHEREAS, ORS 195.065(1) requires units of local government that provide an urban service within an urban growth boundary to enter into an urban service agreement that specifies the unit of government that: will deliver the services, sets forth the functional role of each service provider, determines the future service area, and assigns responsibilities for planning and coordination of services; and

WHEREAS, ORS 195.065(1) and (2) require that the COUNTY shall be responsible for:

1. Convening representatives of all cities and special districts that provide or declare an interest in providing an urban service inside an urban growth boundary within the county that has a population greater than 2,500 persons for the purpose of negotiating an urban service agreement;
2. Consulting with recognized community planning organizations within the area affected by the urban service agreement; and
3. Notifying Metro in advance of meetings to negotiate an urban service agreement to enable Metro's review; and

WHEREAS, ORS 195.075(1) requires urban service agreements to provide for the continuation of an adequate level of urban services to the entire area that each provider serves and to specify if there is a significant reduction in the territory of a special service district; and

WHEREAS, ORS 195.075(1) requires that if there is a significant reduction in territory, the agreement shall specify how the remaining portion of the district is to receive services in an affordable manner; and

WHEREAS, ORS 195.205 TO 195.235 grant authority to cities and districts (as defined by ORS 198.010) to annex lands within an urban growth boundary, subject to voter approval, if the city or district enacts an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335, and 223.304, and if the city or district has entered into urban service agreements with the county, cities and special districts which provide urban services within the affected area; and

WHEREAS, ORS 197.175 requires cities and counties to prepare, adopt, amend, and revise their comprehensive plans in compliance with statewide planning goals, and enact land use regulations to implement their comprehensive plans; and

WHEREAS, Statewide Planning Goals 2, 11, and 14 require cities and counties to plan, in cooperation with all affected agencies and special districts, for the urbanization of lands within an urban growth boundary, and ensure the timely, orderly, and efficient extension of public facilities and urban services.

NOW, THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

## **I. ROLES AND RESPONSIBILITIES**

- A. Parties to this AGREEMENT shall provide land use planning notice to each other in accordance with the provision of the "Cooperative Agreements," developed per ORS 195.020(4)(e).
- B. The parties to this AGREEMENT are designated as the appropriate provider of services to the citizens residing within their boundaries as specified in this AGREEMENT.
- C. The CITY is designated as the appropriate provider of services to citizens residing within its boundaries and to adjacent unincorporated areas subject to this AGREEMENT as shown on Map A, except for those services that are to be provided by another party as specified in this AGREEMENT.
- D. The CITY and COUNTY will be supportive of annexations to the CITY over time. The CITY shall endeavor to annex the unincorporated areas shown on Map A, in keeping with the following schedule:
  - 1. Near to mid-term (3 to 5 years): Bull Mountain area and unincorporated lands north of the Tualatin River and south of Durham Road and

2. Far-term (10 years or later): Metzger area.
- E. Pursuant to ORS 195.205, the CITY and DISTRICTS reserve the right and may, subsequent to the enactment of this AGREEMENT, develop an annexation plan or plans in reliance upon this AGREEMENT in accordance with ORS 195.205 to 220.
- F. In keeping with the *County 2000 Strategic Plan* or its successor, the COUNTY will focus its energies on those services that provide county-wide benefit and transition out of providing municipal services that may benefit specific geographic areas or districts. The COUNTY recognizes cities and special service districts as the ultimate municipal service providers as specified in this AGREEMENT. The COUNTY also recognizes cities as the ultimate local governance provider to the urban area.
- G. Within twelve months of the effective date of this AGREEMENT and prior to any consolidation or transfer of duties or any single or multiple annexations totaling twenty acres, the parties shall identify any duties performed by the parties that will or may be assumed or transferred from one party to another party by annexation, consolidation or agreement. The affected parties shall identify how the duties will be transferred or assumed, including the transfer of employees and equipment. The process to transfer duties, employees and equipment shall account for the cumulative effects of annexation, consolidation and transfer by agreement. This process shall also address large scale annexations and the large scale transfer of duties by consolidation or agreement. In the event the affected parties cannot agree upon the processes to transfer duties, employees and equipment, the provisions of Section VII of this AGREEMENT shall be used to resolve the dispute.
- H. The COUNTY shall have the responsibility for convening representatives for the purpose of amending this AGREEMENT, pursuant to ORS 195.065(2)(a).

## **II. AGREEMENT COORDINATION**

- A. Existing intergovernmental agreements that are consistent with this AGREEMENT shall remain in force. This AGREEMENT shall control provisions of existing intergovernmental agreements that are inconsistent with the terms of this AGREEMENT. This AGREEMENT does not preclude any party from amending an existing inter-governmental agreement or entering into a new inter-governmental agreement with one or more parties for a service addressed in this AGREEMENT, provided such an agreement is consistent with the provisions of this AGREEMENT.
- B. The CITY and COUNTY have entered into an intergovernmental agreement for the CITY provision of building, land development and specific road services on behalf of the COUNTY to the unincorporated lands in the Bull Mountain area.
- C. CITY and COUNTY shall endeavor to take all action necessary to cause their comprehensive plans to be amended to be consistent with this AGREEMENT within twelve months of execution of this AGREEMENT, but no later than sixteen months from the date of execution.

### **III. AREA AFFECTED BY AGREEMENT**

This AGREEMENT applies to the Tigard Urban Service Area (TUSA) as shown on Map A and properties added to the Regional Urban Growth Boundary (UGB) that are to be annexed to the CITY in the future as described below in Section VIII.

### **IV. URBAN SERVICE PROVIDERS**

- A. The service provisions of this AGREEMENT, as described in Exhibits A through G, establish the providers and elements of urban services for the geographic area covered in this AGREEMENT; and
- B. The following urban services are addressed in this AGREEMENT:
  - 1. Fire Protection and Emergency Services (Exhibit A);
  - 2. Public Transit (Exhibit B);
  - 3. Law Enforcement (Exhibit C);
  - 4. Parks, Recreation, and Open Space (Exhibit D);
  - 5. Roads and Streets (Exhibit E);
  - 6. Sanitary Sewer and Storm Water (Exhibit F); and
  - 7. Water Service (Exhibit G).

### **V. ASSIGNABILITY**

No assignment of any party's rights or obligations under this AGREEMENT to a different, new or consolidated or merged entity shall be effective without the prior consent of the other parties affected thereby. Any party to this AGREEMENT who proposes a formation, merger, consolidation, dissolution, or other major boundary change shall notify all other parties of the availability of the reports or studies required by Oregon State Statutes to be prepared as part of the proposal.

### **VI. EFFECTIVE DATE OF AGREEMENT**

This AGREEMENT shall become effective upon full execution by all parties.

### **VII. TERM OF THE AGREEMENT**

This AGREEMENT shall continue to be in effect as long as required under state law. The COUNTY shall be responsible for convening the parties to this AGREEMENT for the review or modification of this AGREEMENT, pursuant to Section VIII.

## **VIII. PROCESS FOR REVIEW AND MODIFICATION OF THE AGREEMENT**

- A. Parties shall periodically review the provisions of this AGREEMENT in order to evaluate the effectiveness of the processes set forth herein and to propose any necessary or beneficial amendments to address considerations of ORS 195.070 and ORS 195.075.
- B. Any party may propose modifications to this agreement to address concerns or changes in circumstances.
- C. The body of this AGREEMENT (Recitals and Sections I through IX) may only be changed by written consent of all affected parties. Amendments to the exhibits of this AGREEMENT may be made upon written consent of the parties identified in each exhibit.
- D. The periodic review of this AGREEMENT and all proposed modifications to this AGREEMENT shall be coordinated by the COUNTY. All requests for the periodic review of this AGREEMENT and all proposed modifications shall be considered in a timely manner and all parties shall receive notice of any proposed amendment. Only those parties affected by an amendment shall sign the amended agreement. All amendments that include boundary changes shall comply with Chapter 3.09 of the METRO Code or its successor.
- E. Lands added to the Regional Urban Growth Boundary that are determined to be annexed to the CITY in the future by separate process, such as an Urban Reserve Plan, shall be subject to this AGREEMENT. The appropriate service providers to new urban lands for the services addressed in this AGREEMENT shall be determined through the provisions of this Section unless those determinations are made through the development of an Urban Reserve Plan and all affected parties agree to the service determinations. This AGREEMENT shall be amended to address new urban lands and reflect the service provider determinations consistent with the provisions of this Section.

## **IX. DISPUTE RESOLUTION**

If a dispute arises between or among the parties regarding breach of this AGREEMENT or interpretation of any term thereof, those parties shall first attempt to resolve the dispute by negotiation prior to any other contested case process. If negotiation fails to resolve the dispute, the parties agree to submit the matter to non-binding mediation. Only after these steps have been exhausted will the matter be submitted to arbitration.

Step 1 – Negotiation. The managers or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. The issues of the dispute shall be reduced to writing and each manager shall then meet and attempt to resolve the issue. If the dispute is resolved with this step, there shall be a written determination of such resolution signed by each manager, which shall be binding upon the parties.

Step 2 – Mediation. If the dispute cannot be resolved within 30 days of initiation of Step 1, a party shall request in writing that the matter be submitted to non-binding mediation. The parties shall use good-faith efforts to agree on a mediator. If they cannot agree, the parties shall request a list of five mediators from an entity or firm providing mediation services. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each party shall select one name and the two mediators shall jointly select a third mediator. The dispute shall be heard by the third mediator and any common costs of mediation shall be borne equally by the parties, who shall each bear their own costs and fees therefore. If the issue is resolved at this Step, then a written determination of such resolution shall be signed by each manager and shall be binding upon the parties.

Step 3 – Arbitration. After exhaustion of Steps 1 and 2 above, the matter shall be settled by binding arbitration in Washington County, Oregon, in accordance with the Commercial Arbitration Rules of the American Arbitration Association, the rules of the Arbitration Service of Portland, or any other rules mutually agreed to, pursuant to ORS 190.710-790. The arbitration shall be before a single arbitrator; nothing shall prevent the parties from mutually selecting an arbitrator or panel thereof who is not part of the AAA panel and agreeing upon arbitration rules and procedures. The cost of arbitration shall be shared equally. The arbitration shall be held within 60 days of selection of the arbitrator unless otherwise agreed to by the parties. The decision shall be issued within 60 days of arbitration.

#### **X. SEVERABILITY CLAUSE**

If any portion of this AGREEMENT is declared invalid, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this AGREEMENT.

#### **XI. SIGNATURES OF PARTIES TO AGREEMENT**

In witness whereof, this AGREEMENT is executed by the authorized representatives of the COUNTY, CITY, DISTRICTS, and METRO. The parties, by their representative's signatures to this AGREEMENT, signify that each has read the AGREEMENT, understands its terms, and agrees to be bound thereby.

CITY OF TIGARD

By: \_\_\_\_\_  
James E. Griffith, Mayor

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
City Attorney

TUALATIN VALLEY FIRE AND RESCUE DISTRICT

By: \_\_\_\_\_  
Chairman, Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel



TUALATIN HILLS PARK AND RECREATION DISTRICT

By: \_\_\_\_\_  
President, Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

TRI-MET

By: \_\_\_\_\_  
General Manager

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

CLEAN WATER SERVICES

By: \_\_\_\_\_  
Tom Brian, Chair  
Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

TIGARD WATER DISTRICT

By: \_\_\_\_\_  
Chairman, Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

TUALATIN VALLEY WATER DISTRICT

By: \_\_\_\_\_  
Chairman, Board of Directors

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

WASHINGTON COUNTY

By: \_\_\_\_\_  
Tom Brian, Chair  
Board of Commissioners

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
County Counsel

METRO

By: \_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Date

Approved as to Form:

By: \_\_\_\_\_  
Legal Counsel

## **EXHIBIT A**

### **PROVISIONS OF AGREEMENT FOR FIRE PROTECTION AND PUBLIC EMERGENCY SERVICES**

TUALATIN VALLEY FIRE AND RESCUE DISTRICT, CITY and COUNTY agree:

1. That the TUALATIN VALLEY FIRE AND RESCUE DISTRICT (TVFR) is and shall continue to be the sole provider of fire protection services to the Tigard Urban Service Area (TUSA) shown on Map A.
2. That TVFR, CITY and COUNTY are and shall continue to provide emergency management response services to the TUSA.
3. That TVFR is and shall continue to be the sole provider of all other public emergency services to the TUSA, excluding law enforcement services.



## **EXHIBIT B**

### **PROVISIONS OF AGREEMENT FOR PUBLIC TRANSIT SERVICE**

TRI-MET, CITY, COUNTY and METRO agree:

1. That TRI-MET, pursuant to ORS Chapter 267, is currently the sole provider of public mass transit to the Tigard Urban Service Area (TUSA) shown on Map A. Future options for public mass transit services to the TUSA may include public/private partnerships to provide rail or other transit service, CITY operated transit service, and transit service by one or more public agency to all or part of the area.
2. That TRI-MET shall work with the COUNTY, CITY, and METRO to provide efficient and effective public mass transit services to the TUSA.

## **EXHIBIT C**

### **PROVISIONS OF AGREEMENT FOR LAW ENFORCEMENT**

COUNTY and CITY agree:

1. That as annexations occur within the Tigard Urban Service Area shown on Map A, the CITY will assume law enforcement services and the area will be withdrawn from the Enhanced Sheriff's Patrol District. The Sheriff's Office will continue to provide law enforcement services identified through the Cogan Law Enforcement Project and those services mandated by state law. Eventually, the Enhanced Sheriff's Patrol District, consistent with its conditions of formation, will be eliminated when annexations on a county-wide basis reach a point where the function of the District is no longer economically feasible.
2. That over time as annexations occur within the urban unincorporated area, the primary focus of the Sheriff's office will be to provide programs that are county-wide in nature or serve the rural areas of the COUNTY. The Sheriff's office will continue to maintain needed service levels and programs to ensure the proper functioning of the justice system in the COUNTY. The Sheriff's Office will also continue to provide available aid to smaller cities (e.g., Banks and North Plains) for services specified in the COUNTY'S mutual aid agreement with those cities upon their request. The Sheriff's Office will also consider requests to provide law enforcement services to cities on a contractual basis consistent with the COUNTY's law enforcement contracting policy.
3. That the COUNTY and CITY and other Washington County cities, through the Cogan Law Enforcement Project, shall determine the ultimate functions of the Sheriff's Office that are not mandated by state law.
4. That the COUNTY and CITY shall utilize comparable measures of staffing that accurately depict the level of service being provided to residents of all local jurisdictions in the COUNTY.

## **EXHIBIT D**

### **PROVISIONS OF AGREEMENT FOR PARKS, RECREATION AND OPEN SPACE**

CITY, TUALATIN HILLS PARK AND RECREATION DISTRICT (THPRD), COUNTY, and METRO agree:

1. That the CITY shall be the designated provider of park, recreation and open spaces services to the Tigard Urban Service Area (TUSA) shown on Map A. Actual provision of these services by the CITY to lands within the TUSA is dependent upon lands being annexed to the CITY. Within the Metzger Park Local Improvement District (LID), the CITY will be a joint provider of services. The CITY and THPRD, however, may also enter into inter-governmental agreements for the provision of park, recreation and open space services to residents within each other's boundaries, such as the joint use of facilities or programs. This provision does not preclude future amendments to this AGREEMENT concerning how park, recreation and open space services may be provided within the TUSA.
2. That the CITY and the COUNTY should further examine the feasibility of creating a park and recreation district for the TUSA.
3. That standards for park, recreation, and open space services within the TUSA will be as described in the CITY'S park master plan.
4. That the CITY and COUNTY are supportive of the concept of a parks systems development charge as a method for the future acquisition and development of parks lands in the TUSA that are outside of the CITY. The CITY and COUNTY agree to study the feasibility of adopting such a systems development charge for lands outside of the CITY.
5. That at the next update of its parks master plan, the CITY shall address all the lands within the TUSA.
6. That the Metzger Park LID shall remain as a special purpose park provider for as long as a majority of property owners within the LID wish to continue to pay annual levies for the operation and maintenance of Metzger Park. The CITY and COUNTY also agree to the continuation of the Metzger Park Advisory Board. However, the COUNTY as administrator of the LID, may consider contracting operation and maintenance services to another provider if that option proves to be more efficient and cost-effective. This option would be presented and discussed with the Park Advisory Board before the COUNTY makes a decision.
7. That continuation of the Metzger Park LID shall not impede provision of parks, and eventually recreation services, to the Metzger Park neighborhood by the CITY. Continuation of the Metzger Park LID will be considered as providing an additional level of service to the neighborhood above and beyond that provided by the CITY.

8. That the CITY and COUNTY will coordinate with Metro to investigate funding sources for acquisition and management of parks which serve a regional function.
9. That Metro may own and be the provider of region-wide parks, recreation and open space facilities within the TUSA. Metro Greenspace and Parks facilities typically are to serve a broader population base than services provided to residents of the TUSA by the CITY. Where applicable, the CITY, COUNTY, and METRO will aspire to coordinate facility development, management and services.

## **EXHIBIT E**

### **PROVISIONS OF AGREEMENT FOR ROADS AND STREETS**

CITY and COUNTY agree:

#### **1. Existing Conditions and Agreements**

- A. The COUNTY shall continue to retain jurisdiction over the network of arterials and collectors within the Tigard Urban Service Area (TUSA) that are specified on the COUNTY-wide roadway system in the Washington County Transportation Plan. The CITY shall accept responsibility for public streets, local streets, neighborhood routes and collectors and other streets and roads that are not part of the COUNTY-wide road system within its boundaries upon annexation if the street or road meets the agreed upon standards described in Section 2.C.(2) below.
- B. The COUNTY and CITY agree to continue sharing equipment and services with renewed emphasis on tracking of traded services and sharing of equipment without resorting to a billing system, and improved scheduling of services. Additionally, the COUNTY and CITY shall work to improve coordination between the jurisdictions so that the sharing of equipment and services is not dependent on specific individuals within each jurisdiction. The COUNTY and CITY shall also work to establish a more uniform accounting system to track the sharing and provision of services.
- C. Upon annexation to the CITY, the annexed area shall be automatically withdrawn from the Urban Road Maintenance District (URMD).
- D. Upon annexation to the CITY, an annexed area that is part of the Washington County Service District For Street Lighting No. 1 shall be automatically withdrawn from the District. The CITY shall assume responsibility for street lighting on the effective date of annexation of public streets and COUNTY streets and roads that will be transferred to the CITY. The COUNTY shall inform PGE when there is a change in road jurisdiction or when annexation occurs and the annexed area is no longer a part of the street lighting district.

#### **2. Road Transfers**

Transfer of jurisdiction may be initiated by a request from the CITY or the COUNTY.

- A. Road transfers shall include the entire right-of-way (e.g., a boundary cannot be set down the middle of a road) and proceed in a logical manner that prevents the creation of segments of COUNTY roads within the CITY'S boundaries.

B. Within thirty days of annexation, the CITY will initiate the process to transfer jurisdiction of COUNTY and public streets and roads within the annexed area, including local streets, neighborhood routes, collectors and other roads that are not of county-wide significance. The transfer of roads should take no more than one year from the effective date of annexation.

C. The COUNTY:

(1) To facilitate the road transfer process, the COUNTY will prepare the exhibits that document the location and condition of streets to be transferred upon receipt of a transfer request from the CITY.

(2) Prior to final transfer, the COUNTY:

(a) Shall complete any maintenance or improvement projects that have been planned for the current fiscal year or transfer funds for same to the CITY.

(b) Shall provide the CITY with any information it may have about any neighborhood or other concerns about streets or other traffic issues within the annexed area. This may be done by providing copies of COUNTY project files or other documents or through joint meetings of CITY and COUNTY staff members.

(c) Shall make needed roadway improvements so that all individual roads or streets within the area to be annexed have a pavement condition index (PCI) of more than 40 and so that the average PCI of streets and roads in the annexed area is 75 or higher. As an alternative to COUNTY-made improvements, the COUNTY may pay the CITY'S costs to make the necessary improvements.

(d) Shall inform the CITY of existing maintenance agreements, Local Improvement Districts established for road maintenance purposes, and of plans for maintenance of transferred roads. The COUNTY shall withdraw the affected territory from any road maintenance LIDs formed by the COUNTY.

D. The CITY:

(1) Agrees to accept all COUNTY roads and streets as defined by ORS 368.001(1) and all public roads within the annexed area that are not of county-wide significance or are not identified in the COUNTY'S Transportation Plan as part of the county-wide road system provided the average PCI of all COUNTY and public roads and streets that the CITY is to accept in the annexed area is 75 or higher as defined by the COUNTY'S pavement management system. If any individual COUNTY or public street or road that the CITY is to accept within the area has an average PCI of 40 or less at the time of annexation, the CITY shall assume jurisdiction of the road or street only after the COUNTY has complied with Section 2.C.(2) of this exhibit.

(2) Shall, in the event the transfer of roads does not occur soon after annexation, inform the newly annexed residents of this fact and describe when and under what

conditions the transfer will occur and how maintenance will be provided until the transfer is complete.

- E. The CITY shall be responsible for the operation, maintenance and construction of roads and streets transferred to the CITY as well as public streets annexed into the CITY. CITY road standards shall be applicable to transferred and annexed streets. The CITY shall also be responsible for the issuance of access permits and other permits to work within the right-of-way of those streets.

3. Road Design Standards and Review Procedures and Storm Drainage

The CITY and COUNTY shall agree on:

- A. The CITY and COUNTY urban road standards and Clean Water Service standards that will be applicable to the construction of new streets and roads and for improvements to existing streets and roads that eventually are to be transferred to the CITY, and streets and roads to be transferred from the CITY to the COUNTY;
- B. The development review process and development review standards for COUNTY and public streets and roads within the TUSA, including COUNTY streets and roads and public streets that will become CITY streets, and streets and roads that are or will become part of the COUNTY-wide road system; and
- C. Maintenance responsibility for the storm drainage on COUNTY streets and roads within the TUSA in cooperation with Clean Water Services.

4. Review of Development Applications and Plan Amendments

- A. The COUNTY and CITY, in conjunction with other Washington County cities and the Oregon Department of Transportation (ODOT), shall agree on a process(es) and review criteria (e.g., types and levels of analysis) to analyze and condition development applications and plan amendments for impacts to COUNTY and state roads.
- B. The review process(es), review criteria, and criteria to condition development and plan amendment applications shall be consistent with the *Oregon Highway Plan*, the *Regional Transportation System Plan*, COUNTY and CITY Transportation Plans and Title 6 of METRO'S *Urban Growth Management Functional Plan*.

5. Maintenance Cooperation

- A. The COUNTY and CITY, in conjunction with ODOT, shall consider developing an Urban Road Maintenance Agreement within the TUSA area for the maintenance of COUNTY, CITY, and state facilities, such as separately owned sections of arterial streets and to supplement the 1984 League of Oregon Cities Policy regarding traffic lights.

- A. The COUNTY and CITY, in conjunction with other Washington County cities, shall develop a set of minimum right-of-way maintenance standards and levels of activity to be used in performance of services provided under the exchange of services agreement described above in 5. a.
- C. The COUNTY may contract with the CITY for the maintenance of COUNTY streets and roads within the TUSA utilizing an agreed upon billing system.
- D. The COUNTY, CITY and ODOT, in conjunction with other Washington County cities, will study opportunities for co-locating maintenance facilities.

6. Implementation

Within one year of the effective date of this AGREEMENT, the CITY and COUNTY agree to develop a schedule that describes when the provisions of this exhibit shall be implemented.



## **EXHIBIT F**

### **PROVISIONS OF AGREEMENT FOR SANITARY SEWER AND STORM WATER MANAGEMENT**

CLEAN WATER SERVICES, (CWS), CITY and COUNTY agree:

1. As a county service district organized under ORS 451, CWS has the legal authority for the sanitary sewage and storm water (surface water) management within the CITY and the urban unincorporated area. CWS develops standards and work programs, is the permit holder, and operates the sanitary sewage treatment plants.
2. The CITY performs a portion of the local sanitary sewer and storm water management programs as defined in the operating agreement between the CITY and CWS. This agreement shall be modified on an as-needed basis by entities to the agreement.
3. At the time of this AGREEMENT, the following are specific issues that the parties have addressed as part of this process and agree to resolve through changes to current intergovernmental agreements.
  - A. Rehabilitation of Sewer Lines with Basins Identified with High Levels of Infiltration and Inflow (I & I).
  - B. For lines that are cost-effective to do rehabilitation, CWS and the CITY will consider cost-sharing regardless of line size under a formula and using fund sources to be agreed on between CITY and CWS. The cost-share is to be determined through specific project intergovernmental agreements. Following the evaluation of program funding methods, CWS, in cooperation with the CITY, will determine the long-term funding for I & I and other rehabilitation projects.
  - C. CWS, with assistance from the CITY and other Washington County cities, shall undertake periodic rate studies of monthly service charges to determine whether they are adequate to cover costs, including costs of maintenance and rehabilitation of sewer lines. The rate study shall consider sewer line deterioration and related maintenance and repair issues.
4. Master and Watershed Planning:
  - A. Primary responsibility for master and watershed planning will remain with CWS, but the CITY will be permitted to conduct such planning as long as these plans meet CWS standards. CWS and the CITY shall use uniform standards, such as computer modeling, to conduct these studies. CWS and the CITY shall determine their respective cost-sharing responsibility for conducting these studies.

- B. CWS and the CITY, in conjunction with other Washington County cities using the City/District Committee established by CWS, shall develop uniform procedures for the coordination and participation between CWS, the CITY and other cities when doing master and watershed planning.

5. Sanitary Sewer Systems Development Charges

CWS and the CITY, in conjunction with other Washington County cities, shall use the results of the CWS Conveyance System Management Study, or updates, for options for collection and expenditure of SDC funds to address current disparities between where funds are collected and where needs are for projects based on an agreed upon CITY/CWS master plan.

6. Storm Water Management System Development Charges

- A. CWS and the CITY shall use the results of the CWS Surface Water Management Plan Update Project to address all aspects of storm water management and to provide more direction to CWS and the CITY.
- B. Watershed plans being prepared by CWS for storm water management shall address the major collection system as well as the open-channel system to identify projects for funding.

7. Maintenance

CWS, in cooperation with the CITY and other Washington County cities, shall use the results of the CWS Conveyance System Management Study for guidance to resolve issues related to roles of the DISTRICT and the cities in order to provide more cost effective maintenance of the collection systems.

## **EXHIBIT G**

### **PROVISIONS OF AGREEMENT FOR WATER SERVICE**

TUALATIN VALLEY WATER DISTRICT (TVWD), TIGARD WATER DISTRICT (TWD), CITY and COUNTY agree:

1. Supply:
  - A. Supply generally will not impact service boundaries, given that a limited number of sources provide all the water in the study area and the number of interconnections between providers are increasing and are encouraged to continue in the future.
  - B. Future supply and conservation issues may be addressed through the Regional Water Consortium to the extent reasonable and practicable for water providers in Washington County. Service providers in the TUSA shall continue to participate in the Consortium and use it as the forum for raising, discussing and addressing supply issues.
  - C. The Consortium may also serve as a forum to discuss and resolve water political issues to the extent reasonable and practicable for water providers in Washington County. The Consortium is an appropriate forum to bring elected officials together and for promoting more efficient working relationships on water supply and conservation issues.
  - D. Intergovernmental agreements shall address ownership of interconnections between CITY and Districts' sources, whether for the purpose of wholesale provision of water from one entity to the other or for emergency use, in the case of a boundary change that involves the site of the interconnection.
2. Maintenance/Distribution:
  - A. TVWD, TWD and the CITY do not anticipate any events in the foreseeable future that would necessitate maintenance, rehabilitation or replacement beyond the financial reach of any of the water providers in the TUSA. Each provider will continue to be responsible for providing the financial revenue stream through rates and charges and to accrue adequate reserves to meet foreseeable major maintenance needs.
  - B. TVWD, TWD, CITY, and COUNTY agree to maintain and participate in the Cooperative Public Agencies of Washington County in order to efficiently share and exchange equipment and services.
  - C. To the extent reasonable and practicable, TVWD, TWD and the CITY shall coordinate mandated (under Oregon law) underground utility locating services to efficiently provide service within the urban service areas.
  - D. TVWD, TWD and CITY agree to provide to one another copies of as-builts of existing and new facilities and other types of water system maps for the purposes of facilitating

planning, engineering and design of other utilities or structures that may connect, intersect or be built in proximity to CITY facilities. The CITY agrees to incorporate such mapping into its GIS mapping system of utilities and other facilities. TVWD, TWD and CITY agree to develop and maintain a common, on-going, up to date GIS mapping system showing facilities of each water provider within the TUSA.

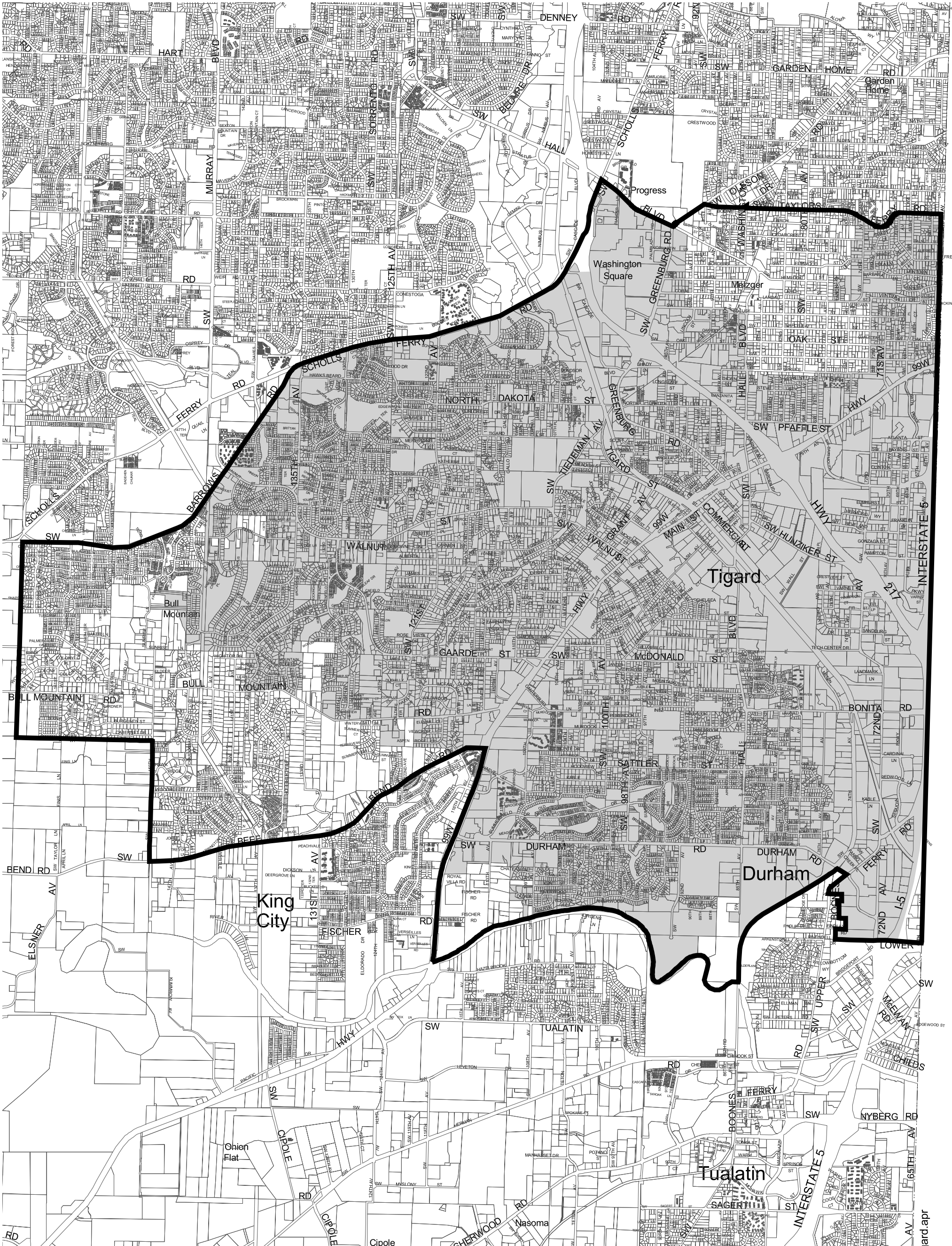
3. Customer Service/Water Rates:

- A. Price of supply and bonded indebtedness will most likely have the greatest impact on rates.
- B. TVWD, TWD, and the CITY believe that rates are equitable within the TUSA.
- C. Given adequate water pressure, level and quality of service should not vary significantly among different water providers in the TUSA and does not appear to be an issue for most customers.

4. Withdrawal/Annexation/Merger:

- A. Notwithstanding Section I of this AGREEMENT - Roles and Responsibilities, or existing agreements between the providers, future annexations may lead to changes in service provision arrangements. Modifications to any service area boundary shall comply with METRO Code Chapter 3.09 and provisions identified under Section IV. If necessary, the Metro Boundary Appeals process shall be employed to resolve conflicts between parties as they arise. TVWD, TWD, and the CITY shall continue to work together to adjust boundaries as appropriate to improve the cost-effectiveness and efficiency of providing service.
- B. In the event that the entire service area of any DISTRICT is annexed in the future, that district shall be dissolved. No attempt shall be made to maintain the district by delaying annexation of a token portion of the district (e.g., the district office).
- C. The area of TVWD known as the Metzger service area shall remain in TVWD, except those portions agreed to by both TVWD and CITY that may be withdrawn from TVWD upon annexation to the CITY. In exchange, TVWD will support the CITY joining as a partner of the Joint Water Commission.
- D. Providers that propose a merger, major annexation or dissolution shall give all providers in the study area an opportunity to influence the decision as well as plan for the consequences. None of the parties waives its right to contest a major or minor boundary change by any of the other parties on the issue of the appropriate service provider for the area encompassed by the boundary change except when the party has expressly waived that right as to a described service area in an agreement executed subsequent to this agreement.







# MAP A

## Tigard Urban Service Area Boundary

November 2002

-  Tigard Urban Service Area Boundary
-  City of Tigard



2000 0 2000 4000 Feet



(Please print this map on 11" x 17" paper for maximum readability)

arc8\area1\dotiam\joanne\sb122\tigard.apr  
tigard 11x17  
DN11102



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## TIGARD URBAN SERVICE AGREEMENT

November 26, 2002

This AGREEMENT is made and entered into by and between Washington County, a municipal corporation of the State of Oregon, hereinafter "COUNTY," the City of Tigard, a municipal corporation of the State of Oregon, hereinafter "CITY," Metro, a metropolitan service district of the State of Oregon, hereinafter "METRO," and the following Special Districts of the State of Oregon, hereinafter "DISTRICT(S),"

Clean Water Services;  
Tigard Water District;  
Tri-Met;  
Tualatin Hills Park and Recreation District;  
Tualatin Valley Fire and Rescue District; and  
Tualatin Valley Water District

### RECITALS

WHEREAS, ORS 195.025(1) requires METRO, through its regional coordination responsibilities, to review urban service agreements affecting land use, including planning activities of the counties, cities, special districts, state agencies; and

WHEREAS, ORS 195.020(4)(e) requires cooperative agreements to specify the units of local government which shall be parties to an urban service agreement under ORS 195.065; and

WHEREAS, ORS 195.065(1) requires units of local government that provide an urban service within an urban growth boundary to enter into an urban service agreement that specifies the unit of government that: will deliver the services, sets forth the functional role of each service provider, determines the future service area, and assigns responsibilities for planning and coordination of services; and

WHEREAS, ORS 195.065(1) and (2) require that the COUNTY shall be responsible for:

1. Convening representatives of all cities and special districts that provide or declare an interest in providing an urban service inside an urban growth boundary within the county that has a population greater than 2,500 persons for the purpose of negotiating an urban service agreement;
2. Consulting with recognized community planning organizations within the area affected by the urban service agreement; and
3. Notifying Metro in advance of meetings to negotiate an urban service agreement to enable Metro's review; and

COPY

WHEREAS, ORS 195.075(1) requires urban service agreements to provide for the continuation of an adequate level of urban services to the entire area that each provider serves and to specify if there is a significant reduction in the territory of a special service district; and

WHEREAS, ORS 195.075(1) requires that if there is a significant reduction in territory, the agreement shall specify how the remaining portion of the district is to receive services in an affordable manner; and

WHEREAS, ORS 195.205 TO 195.235 grant authority to cities and districts (as defined by ORS 198.010) to annex lands within an urban growth boundary, subject to voter approval, if the city or district enacts an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335, and 223.304, and if the city or district has entered into urban service agreements with the county, cities and special districts which provide urban services within the affected area; and

WHEREAS, ORS 197.175 requires cities and counties to prepare, adopt, amend, and revise their comprehensive plans in compliance with statewide planning goals, and enact land use regulations to implement their comprehensive plans; and

WHEREAS, Statewide Planning Goals 2, 11, and 14 require cities and counties to plan, in cooperation with all affected agencies and special districts, for the urbanization of lands within an urban growth boundary, and ensure the timely, orderly, and efficient extension of public facilities and urban services.

NOW, THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

#### **I. ROLES AND RESPONSIBILITIES**

- A. Parties to this AGREEMENT shall provide land use planning notice to each other in accordance with the provision of the "Cooperative Agreements," developed per ORS 195.020(4)(e).
- B. The parties to this AGREEMENT are designated as the appropriate provider of services to the citizens residing within their boundaries as specified in this AGREEMENT.
- C. The CITY is designated as the appropriate provider of services to citizens residing within its boundaries and to adjacent unincorporated areas subject to this AGREEMENT as shown on Map A, except for those services that are to be provided by another party as specified in this AGREEMENT.
- D. The CITY and COUNTY will be supportive of annexations to the CITY over time. The CITY shall endeavor to annex the unincorporated areas shown on Map A, in keeping with the following schedule:
  - 1. Near to mid-term (3 to 5 years): Bull Mountain area and unincorporated lands north of the Tualatin River and south of Durham Road and

2. Far-term (10 years or later): Metzger area.
- E. Pursuant to ORS 195.205, the CITY and DISTRICTS reserve the right and may, subsequent to the enactment of this AGREEMENT, develop an annexation plan or plans in reliance upon this AGREEMENT in accordance with ORS 195.205 to 220.
- F. In keeping with the *County 2000 Strategic Plan* or its successor, the COUNTY will focus its energies on those services that provide county-wide benefit and transition out of providing municipal services that may benefit specific geographic areas or districts. The COUNTY recognizes cities and special service districts as the ultimate municipal service providers as specified in this AGREEMENT. The COUNTY also recognizes cities as the ultimate local governance provider to the urban area.
- G. Within twelve months of the effective date of this AGREEMENT and prior to any consolidation or transfer of duties or any single or multiple annexations totaling twenty acres, the parties shall identify any duties performed by the parties that will or may be assumed or transferred from one party to another party by annexation, consolidation or agreement. The affected parties shall identify how the duties will be transferred or assumed, including the transfer of employees and equipment. The process to transfer duties, employees and equipment shall account for the cumulative effects of annexation, consolidation and transfer by agreement. This process shall also address large scale annexations and the large scale transfer of duties by consolidation or agreement. In the event the affected parties cannot agree upon the processes to transfer duties, employees and equipment, the provisions of Section VII of this AGREEMENT shall be used to resolve the dispute.
- H. The COUNTY shall have the responsibility for convening representatives for the purpose of amending this AGREEMENT, pursuant to ORS 195.065(2)(a).

## II. AGREEMENT COORDINATION

- A. Existing intergovernmental agreements that are consistent with this AGREEMENT shall remain in force. This AGREEMENT shall control provisions of existing intergovernmental agreements that are inconsistent with the terms of this AGREEMENT. This AGREEMENT does not preclude any party from amending an existing inter-governmental agreement or entering into a new inter-governmental agreement with one or more parties for a service addressed in this AGREEMENT, provided such an agreement is consistent with the provisions of this AGREEMENT.
- B. The CITY and COUNTY have entered into an intergovernmental agreement for the CITY provision of building, land development and specific road services on behalf of the COUNTY to the unincorporated lands in the Bull Mountain area.
- C. CITY and COUNTY shall endeavor to take all action necessary to cause their comprehensive plans to be amended to be consistent with this AGREEMENT within twelve months of execution of this AGREEMENT, but no later than sixteen months from the date of execution.



### **III. AREA AFFECTED BY AGREEMENT**

This AGREEMENT applies to the Tigard Urban Service Area (TUSA) as shown on Map A and properties added to the Regional Urban Growth Boundary (UGB) that are to be annexed to the CITY in the future as described below in Section VIII.

### **IV. URBAN SERVICE PROVIDERS**

A. The service provisions of this AGREEMENT, as described in Exhibits A through G, establish the providers and elements of urban services for the geographic area covered in this AGREEMENT; and

B. The following urban services are addressed in this AGREEMENT:

1. Fire Protection and Emergency Services (Exhibit A);
2. Public Transit (Exhibit B);
3. Law Enforcement (Exhibit C);
4. Parks, Recreation, and Open Space (Exhibit D);
5. Roads and Streets (Exhibit E);
6. Sanitary Sewer and Storm Water (Exhibit F); and
7. Water Service (Exhibit G).

### **V. ASSIGNABILITY**

No assignment of any party's rights or obligations under this AGREEMENT to a different, new or consolidated or merged entity shall be effective without the prior consent of the other parties affected thereby. Any party to this AGREEMENT who proposes a formation, merger, consolidation, dissolution, or other major boundary change shall notify all other parties of the availability of the reports or studies required by Oregon State Statutes to be prepared as part of the proposal.

### **VI. EFFECTIVE DATE OF AGREEMENT**

This AGREEMENT shall become effective upon full execution by all parties.

### **VII. TERM OF THE AGREEMENT**

This AGREEMENT shall continue to be in effect as long as required under state law. The COUNTY shall be responsible for convening the parties to this AGREEMENT for the review or modification of this AGREEMENT, pursuant to Section VIII.

## **VIII. PROCESS FOR REVIEW AND MODIFICATION OF THE AGREEMENT**

- A. Parties shall periodically review the provisions of this AGREEMENT in order to evaluate the effectiveness of the processes set forth herein and to propose any necessary or beneficial amendments to address considerations of ORS 195.070 and ORS 195.075.
- B. Any party may propose modifications to this agreement to address concerns or changes in circumstances.
- C. The body of this AGREEMENT (Recitals and Sections I through IX) may only be changed by written consent of all affected parties. Amendments to the exhibits of this AGREEMENT may be made upon written consent of the parties identified in each exhibit.
- D. The periodic review of this AGREEMENT and all proposed modifications to this AGREEMENT shall be coordinated by the COUNTY. All requests for the periodic review of this AGREEMENT and all proposed modifications shall be considered in a timely manner and all parties shall receive notice of any proposed amendment. Only those parties affected by an amendment shall sign the amended agreement. All amendments that include boundary changes shall comply with Chapter 3.09 of the METRO Code or its successor.
- E. Lands added to the Regional Urban Growth Boundary that are determined to be annexed to the CITY in the future by separate process, such as an Urban Reserve Plan, shall be subject to this AGREEMENT. The appropriate service providers to new urban lands for the services addressed in this AGREEMENT shall be determined through the provisions of this Section unless those determinations are made through the development of an Urban Reserve Plan and all affected parties agree to the service determinations. This AGREEMENT shall be amended to address new urban lands and reflect the service provider determinations consistent with the provisions of this Section.

## **IX. DISPUTE RESOLUTION**

If a dispute arises between or among the parties regarding breach of this AGREEMENT or interpretation of any term thereof, those parties shall first attempt to resolve the dispute by negotiation prior to any other contested case process. If negotiation fails to resolve the dispute, the parties agree to submit the matter to non-binding mediation. Only after these steps have been exhausted will the matter be submitted to arbitration.

**Step 1 – Negotiation.** The managers or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. The issues of the dispute shall be reduced to writing and each manager shall then meet and attempt to resolve the issue. If the dispute is resolved with this step, there shall be a written determination of such resolution signed by each manager, which shall be binding upon the parties.

Step 2 – Mediation. If the dispute cannot be resolved within 30 days of initiation of Step 1, a party shall request in writing that the matter be submitted to non-binding mediation. The parties shall use good-faith efforts to agree on a mediator. If they cannot agree, the parties shall request a list of five mediators from an entity or firm providing mediation services. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each party shall select one name and the two mediators shall jointly select a third mediator. The dispute shall be heard by the third mediator and any common costs of mediation shall be borne equally by the parties, who shall each bear their own costs and fees therefore. If the issue is resolved at this Step, then a written determination of such resolution shall be signed by each manager and shall be binding upon the parties.

Step 3 – Arbitration. After exhaustion of Steps 1 and 2 above, the matter shall be settled by binding arbitration in Washington County, Oregon, in accordance with the Commercial Arbitration Rules of the American Arbitration Association, the rules of the Arbitration Service of Portland, or any other rules mutually agreed to, pursuant to ORS 190.710-790. The arbitration shall be before a single arbitrator; nothing shall prevent the parties from mutually selecting an arbitrator or panel thereof who is not part of the AAA panel and agreeing upon arbitration rules and procedures. The cost of arbitration shall be shared equally. The arbitration shall be held within 60 days of selection of the arbitrator unless otherwise agreed to by the parties. The decision shall be issued within 60 days of arbitration.

#### **X. SEVERABILITY CLAUSE**

If any portion of this AGREEMENT is declared invalid, or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this AGREEMENT.

#### **XI. SIGNATURES OF PARTIES TO AGREEMENT**

In witness whereof, this AGREEMENT is executed by the authorized representatives of the COUNTY, CITY, DISTRICTS, and METRO. The parties, by their representative's signatures to this AGREEMENT, signify that each has read the AGREEMENT, understands its terms, and agrees to be bound thereby.

CITY OF TIGARD

By: James E. Griffith  
James E. Griffith, Mayor

12.10.02  
Date

Approved as to Form:

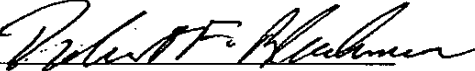
By: Justin V. Bennis  
City Attorney

TUALATIN VALLEY FIRE AND RESCUE DISTRICT

By:   
Chairman, Board of Directors

12/17/02  
Date

Approved as to Form:

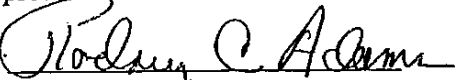
By:   
District Counsel

TUALATIN HILLS PARK AND RECREATION DISTRICT

By:   
President, Board of Directors

February 3, 2003  
Date

Approved as to Form:

By:   
District Counsel

TRI-MET

By: John Hansen  
General Manager

12/16/02  
Date

Approved as to Form:

By: [Signature]  
District Counsel

CLEAN WATER SERVICES

By: Tom Brian  
Tom Brian, Chair  
Board of Directors

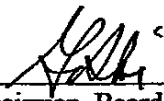
12-17-02  
Date

Approved as to Form:  
By: CEL P. 71  
District Counsel

APPROVED CLEAN WATER SERVICES  
BOARD OF DIRECTORS  
MINUTE ORDER # CWS 02-119  
DATE 12-17-02  
BY Barbara Hejmanek  
CLERK OF THE AGENCY



TIGARD WATER DISTRICT

By:   
Chairman, Board of Directors  
*COMMISSIONER*

12/19/02  
Date

Approved as to Form:

By: \_\_\_\_\_  
District Counsel

TUALATIN VALLEY WATER DISTRICT

By: 

Chairman, Board of Directors  
Richard P. Burke

12-18-02

Date

Approved as to Form:

By: 

District Counsel

Clark Balfour

WASHINGTON COUNTY

By: Tom Brian  
Tom Brian, Chair  
Board of Commissioners

12-17-02  
Date

Approved as to Form:

By: Chris R. Pyle  
County Counsel

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS  
MINUTE ORDER # 02-417  
DATE 12-17-02  
BY Barbara Heitmauek  
CLERK OF THE BOARD

METRO

By: Craig Huth  
Presiding Officer

12/3/2002  
Date

Approved as to Form:

By: D. Blagov  
Legal Counsel

## **EXHIBIT A**

### **PROVISIONS OF AGREEMENT FOR FIRE PROTECTION AND PUBLIC EMERGENCY SERVICES**

**TUALATIN VALLEY FIRE AND RESCUE DISTRICT, CITY and COUNTY agree:**

1. That the TUALATIN VALLEY FIRE AND RESCUE DISTRICT (TVFR) is and shall continue to be the sole provider of fire protection services to the Tigard Urban Service Area (TUSA) shown on Map A.
2. That TVFR, CITY and COUNTY are and shall continue to provide emergency management response services to the TUSA.
3. That TVFR is and shall continue to be the sole provider of all other public emergency services to the TUSA, excluding law enforcement services.

## **EXHIBIT B**

### **PROVISIONS OF AGREEMENT FOR PUBLIC TRANSIT SERVICE**

TRI-MET, CITY, COUNTY and METRO agree:

1. That TRI-MET, pursuant to ORS Chapter 267, is currently the sole provider of public mass transit to the Tigard Urban Service Area (TUSA) shown on Map A. Future options for public mass transit services to the TUSA may include public/private partnerships to provide rail or other transit service, CITY operated transit service, and transit service by one or more public agency to all or part of the area.
2. That TRI-MET shall work with the COUNTY, CITY, and METRO to provide efficient and effective public mass transit services to the TUSA.

## **EXHIBIT C**

### **PROVISIONS OF AGREEMENT FOR LAW ENFORCEMENT**

COUNTY and CITY agree:

1. That as annexations occur within the Tigard Urban Service Area shown on Map A, the CITY will assume law enforcement services and the area will be withdrawn from the Enhanced Sheriff's Patrol District. The Sheriff's Office will continue to provide law enforcement services identified through the Cogan Law Enforcement Project and those services mandated by state law. Eventually, the Enhanced Sheriff's Patrol District, consistent with its conditions of formation, will be eliminated when annexations on a county-wide basis reach a point where the function of the District is no longer economically feasible.
2. That over time as annexations occur within the urban unincorporated area, the primary focus of the Sheriff's office will be to provide programs that are county-wide in nature or serve the rural areas of the COUNTY. The Sheriff's office will continue to maintain needed service levels and programs to ensure the proper functioning of the justice system in the COUNTY. The Sheriff's Office will also continue to provide available aid to smaller cities (e.g., Banks and North Plains) for services specified in the COUNTY'S mutual aid agreement with those cities upon their request. The Sheriff's Office will also consider requests to provide law enforcement services to cities on a contractual basis consistent with the COUNTY's law enforcement contracting policy.
3. That the COUNTY and CITY and other Washington County cities, through the Cogan Law Enforcement Project, shall determine the ultimate functions of the Sheriff's Office that are not mandated by state law.
4. That the COUNTY and CITY shall utilize comparable measures of staffing that accurately depict the level of service being provided to residents of all local jurisdictions in the COUNTY.

## **EXHIBIT D**

### **PROVISIONS OF AGREEMENT FOR PARKS, RECREATION AND OPEN SPACE**

**CITY, TUALATIN HILLS PARK AND RECREATION DISTRICT (THPRD), COUNTY, and METRO agree:**

1. That the CITY shall be the designated provider of park, recreation and open spaces services to the Tigard Urban Service Area (TUSA) shown on Map A. Actual provision of these services by the CITY to lands within the TUSA is dependent upon lands being annexed to the CITY. Within the Metzger Park Local Improvement District (LID), the CITY will be a joint provider of services. The CITY and THPRD, however, may also enter into inter-governmental agreements for the provision of park, recreation and open space services to residents within each other's boundaries, such as the joint use of facilities or programs. This provision does not preclude future amendments to this AGREEMENT concerning how park, recreation and open space services may be provided within the TUSA.
2. That the CITY and the COUNTY should further examine the feasibility of creating a park and recreation district for the TUSA.
3. That standards for park, recreation, and open space services within the TUSA will be as described in the CITY'S park master plan.
4. That the CITY and COUNTY are supportive of the concept of a parks systems development charge as a method for the future acquisition and development of parks lands in the TUSA that are outside of the CITY. The CITY and COUNTY agree to study the feasibility of adopting such a systems development charge for lands outside of the CITY.
5. That at the next update of its parks master plan, the CITY shall address all the lands within the TUSA.
6. That the Metzger Park LID shall remain as a special purpose park provider for as long as a majority of property owners within the LID wish to continue to pay annual levies for the operation and maintenance of Metzger Park. The CITY and COUNTY also agree to the continuation of the Metzger Park Advisory Board. However, the COUNTY as administrator of the LID, may consider contracting operation and maintenance services to another provider if that option proves to be more efficient and cost-effective. This option would be presented and discussed with the Park Advisory Board before the COUNTY makes a decision.
7. That continuation of the Metzger Park LID shall not impede provision of parks, and eventually recreation services, to the Metzger Park neighborhood by the CITY. Continuation of the Metzger Park LID will be considered as providing an additional level of service to the neighborhood above and beyond that provided by the CITY.



8. That the CITY and COUNTY will coordinate with Metro to investigate funding sources for acquisition and management of parks which serve a regional function.
9. That Metro may own and be the provider of region-wide parks, recreation and open space facilities within the TUSA. Metro Greenspace and Parks facilities typically are to serve a broader population base than services provided to residents of the TUSA by the CITY. Where applicable, the CITY, COUNTY, and METRO will aspire to coordinate facility development, management and services.

## **EXHIBIT E**

### **PROVISIONS OF AGREEMENT FOR ROADS AND STREETS**

CITY and COUNTY agree:

#### **1. Existing Conditions and Agreements**

- A. The COUNTY shall continue to retain jurisdiction over the network of arterials and collectors within the Tigard Urban Service Area (TUSA) that are specified on the COUNTY-wide roadway system in the Washington County Transportation Plan. The CITY shall accept responsibility for public streets, local streets, neighborhood routes and collectors and other streets and roads that are not part of the COUNTY-wide road system within its boundaries upon annexation if the street or road meets the agreed upon standards described in Section 2.C.(2) below.
- B. The COUNTY and CITY agree to continue sharing equipment and services with renewed emphasis on tracking of traded services and sharing of equipment without resorting to a billing system, and improved scheduling of services. Additionally, the COUNTY and CITY shall work to improve coordination between the jurisdictions so that the sharing of equipment and services is not dependent on specific individuals within each jurisdiction. The COUNTY and CITY shall also work to establish a more uniform accounting system to track the sharing and provision of services.
- C. Upon annexation to the CITY, the annexed area shall be automatically withdrawn from the Urban Road Maintenance District (URMD).
- D. Upon annexation to the CITY, an annexed area that is part of the Washington County Service District For Street Lighting No. 1 shall be automatically withdrawn from the District. The CITY shall assume responsibility for street lighting on the effective date of annexation of public streets and COUNTY streets and roads that will be transferred to the CITY. The COUNTY shall inform PGE when there is a change in road jurisdiction or when annexation occurs and the annexed area is no longer a part of the street lighting district.

#### **2. Road Transfers**

Transfer of jurisdiction may be initiated by a request from the CITY or the COUNTY.

- A. Road transfers shall include the entire right-of-way (e.g., a boundary cannot be set down the middle of a road) and proceed in a logical manner that prevents the creation of segments of COUNTY roads within the CITY'S boundaries.

B. Within thirty days of annexation, the CITY will initiate the process to transfer jurisdiction of COUNTY and public streets and roads within the annexed area, including local streets, neighborhood routes, collectors and other roads that are not of county-wide significance. The transfer of roads should take no more than one year from the effective date of annexation.

C. The COUNTY:

- (1) To facilitate the road transfer process, the COUNTY will prepare the exhibits that document the location and condition of streets to be transferred upon receipt of a transfer request from the CITY.
- (2) Prior to final transfer, the COUNTY:
  - (a) Shall complete any maintenance or improvement projects that have been planned for the current fiscal year or transfer funds for same to the CITY.
  - (b) Shall provide the CITY with any information it may have about any neighborhood or other concerns about streets or other traffic issues within the annexed area. This may be done by providing copies of COUNTY project files or other documents or through joint meetings of CITY and COUNTY staff members.
  - (c) Shall make needed roadway improvements so that all individual roads or streets within the area to be annexed have a pavement condition index (PCI) of more than 40 and so that the average PCI of streets and roads in the annexed area is 75 or higher. As an alternative to COUNTY-made improvements, the COUNTY may pay the CITY'S costs to make the necessary improvements.
  - (d) Shall inform the CITY of existing maintenance agreements, Local Improvement Districts established for road maintenance purposes, and of plans for maintenance of transferred roads. The COUNTY shall withdraw the affected territory from any road maintenance LIDs formed by the COUNTY.

D. The CITY:

- (1) Agrees to accept all COUNTY roads and streets as defined by ORS 368.001(1) and all public roads within the annexed area that are not of county-wide significance or are not identified in the COUNTY'S Transportation Plan as part of the county-wide road system provided the average PCI of all COUNTY and public roads and streets that the CITY is to accept in the annexed area is 75 or higher as defined by the COUNTY'S pavement management system. If any individual COUNTY or public street or road that the CITY is to accept within the area has an average PCI of 40 or less at the time of annexation, the CITY shall assume jurisdiction of the road or street only after the COUNTY has complied with Section 2.C.(2) of this exhibit.
- (2) Shall, in the event the transfer of roads does not occur soon after annexation, inform the newly annexed residents of this fact and describe when and under what conditions

the transfer will occur and how maintenance will be provided until the transfer is complete.

- E. The CITY shall be responsible for the operation, maintenance and construction of roads and streets transferred to the CITY as well as public streets annexed into the CITY. CITY road standards shall be applicable to transferred and annexed streets. The CITY shall also be responsible for the issuance of access permits and other permits to work within the right-of-way of those streets.
3. Road Design Standards and Review Procedures and Storm Drainage
- The CITY and COUNTY shall agree on:
- A. The CITY and COUNTY urban road standards and Clean Water Service standards that will be applicable to the construction of new streets and roads and for improvements to existing streets and roads that eventually are to be transferred to the CITY, and streets and roads to be transferred from the CITY to the COUNTY;
  - B. The development review process and development review standards for COUNTY and public streets and roads within the TUSA, including COUNTY streets and roads and public streets that will become CITY streets, and streets and roads that are or will become part of the COUNTY-wide road system; and
  - C. Maintenance responsibility for the storm drainage on COUNTY streets and roads within the TUSA in cooperation with Clean Water Services.
4. Review of Development Applications and Plan Amendments
- A. The COUNTY and CITY, in conjunction with other Washington County cities and the Oregon Department of Transportation (ODOT), shall agree on a process(es) and review criteria (e.g., types and levels of analysis) to analyze and condition development applications and plan amendments for impacts to COUNTY and state roads.
  - B. The review process(es), review criteria, and criteria to condition development and plan amendment applications shall be consistent with the *Oregon Highway Plan*, the *Regional Transportation System Plan*, COUNTY and CITY Transportation Plans and Title 6 of METRO'S *Urban Growth Management Functional Plan*.
5. Maintenance Cooperation
- A. The COUNTY and CITY, in conjunction with ODOT, shall consider developing an Urban Road Maintenance Agreement within the TUSA area for the maintenance of COUNTY, CITY, and state facilities, such as separately owned sections of arterial streets and to supplement the 1984 League of Oregon Cities Policy regarding traffic lights.

- A. The COUNTY and CITY, in conjunction with other Washington County cities, shall develop a set of minimum right-of-way maintenance standards and levels of activity to be used in performance of services provided under the exchange of services agreement described above in 5. a.
  - C. The COUNTY may contract with the CITY for the maintenance of COUNTY streets and roads within the TUSA utilizing an agreed upon billing system.
  - D. The COUNTY, CITY and ODOT, in conjunction with other Washington County cities, will study opportunities for co-locating maintenance facilities.
6. Implementation

Within one year of the effective date of this AGREEMENT, the CITY and COUNTY agree to develop a schedule that describes when the provisions of this exhibit shall be implemented.

## **EXHIBIT F**

### **PROVISIONS OF AGREEMENT FOR SANITARY SEWER AND STORM WATER MANAGEMENT**

CLEAN WATER SERVICES, (CWS), CITY and COUNTY agree:

1. As a county service district organized under ORS 451, CWS has the legal authority for the sanitary sewage and storm water (surface water) management within the CITY and the urban unincorporated area. CWS develops standards and work programs, is the permit holder, and operates the sanitary sewage treatment plants.
2. The CITY performs a portion of the local sanitary sewer and storm water management programs as defined in the operating agreement between the CITY and CWS. This agreement shall be modified on an as-needed basis by entities to the agreement.
3. At the time of this AGREEMENT, the following are specific issues that the parties have addressed as part of this process and agree to resolve through changes to current intergovernmental agreements.
  - A. Rehabilitation of Sewer Lines with Basins Identified with High Levels of Infiltration and Inflow (I & I).
  - B. For lines that are cost-effective to do rehabilitation, CWS and the CITY will consider cost-sharing regardless of line size under a formula and using fund sources to be agreed on between CITY and CWS. The cost-share is to be determined through specific project intergovernmental agreements. Following the evaluation of program funding methods, CWS, in cooperation with the CITY, will determine the long-term funding for I & I and other rehabilitation projects.
  - C. CWS, with assistance from the CITY and other Washington County cities, shall undertake periodic rate studies of monthly service charges to determine whether they are adequate to cover costs, including costs of maintenance and rehabilitation of sewer lines. The rate study shall consider sewer line deterioration and related maintenance and repair issues.
4. Master and Watershed Planning:
  - A. Primary responsibility for master and watershed planning will remain with CWS, but the CITY will be permitted to conduct such planning as long as these plans meet CWS standards. CWS and the CITY shall use uniform standards, such as computer modeling, to conduct these studies. CWS and the CITY shall determine their respective cost-sharing responsibility for conducting these studies.

- B. CWS and the CITY, in conjunction with other Washington County cities using the City/District Committee established by CWS, shall develop uniform procedures for the coordination and participation between CWS, the CITY and other cities when doing master and watershed planning.

5. Sanitary Sewer Systems Development Charges

CWS and the CITY, in conjunction with other Washington County cities, shall use the results of the CWS Conveyance System Management Study, or updates, for options for collection and expenditure of SDC funds to address current disparities between where funds are collected and where needs are for projects based on an agreed upon CITY/CWS master plan.

6. Storm Water Management System Development Charges

- A. CWS and the CITY shall use the results of the CWS Surface Water Management Plan Update Project to address all aspects of storm water management and to provide more direction to CWS and the CITY.
- B. Watershed plans being prepared by CWS for storm water management shall address the major collection system as well as the open-channel system to identify projects for funding.

7. Maintenance

CWS, in cooperation with the CITY and other Washington County cities, shall use the results of the CWS Conveyance System Management Study for guidance to resolve issues related to roles of the DISTRICT and the cities in order to provide more cost effective maintenance of the collection systems.

## **EXHIBIT G**

### **PROVISIONS OF AGREEMENT FOR WATER SERVICE**

TUALATIN VALLEY WATER DISTRICT (TVWD), TIGARD WATER DISTRICT (TWD),  
CITY and COUNTY agree:

**1. Supply:**

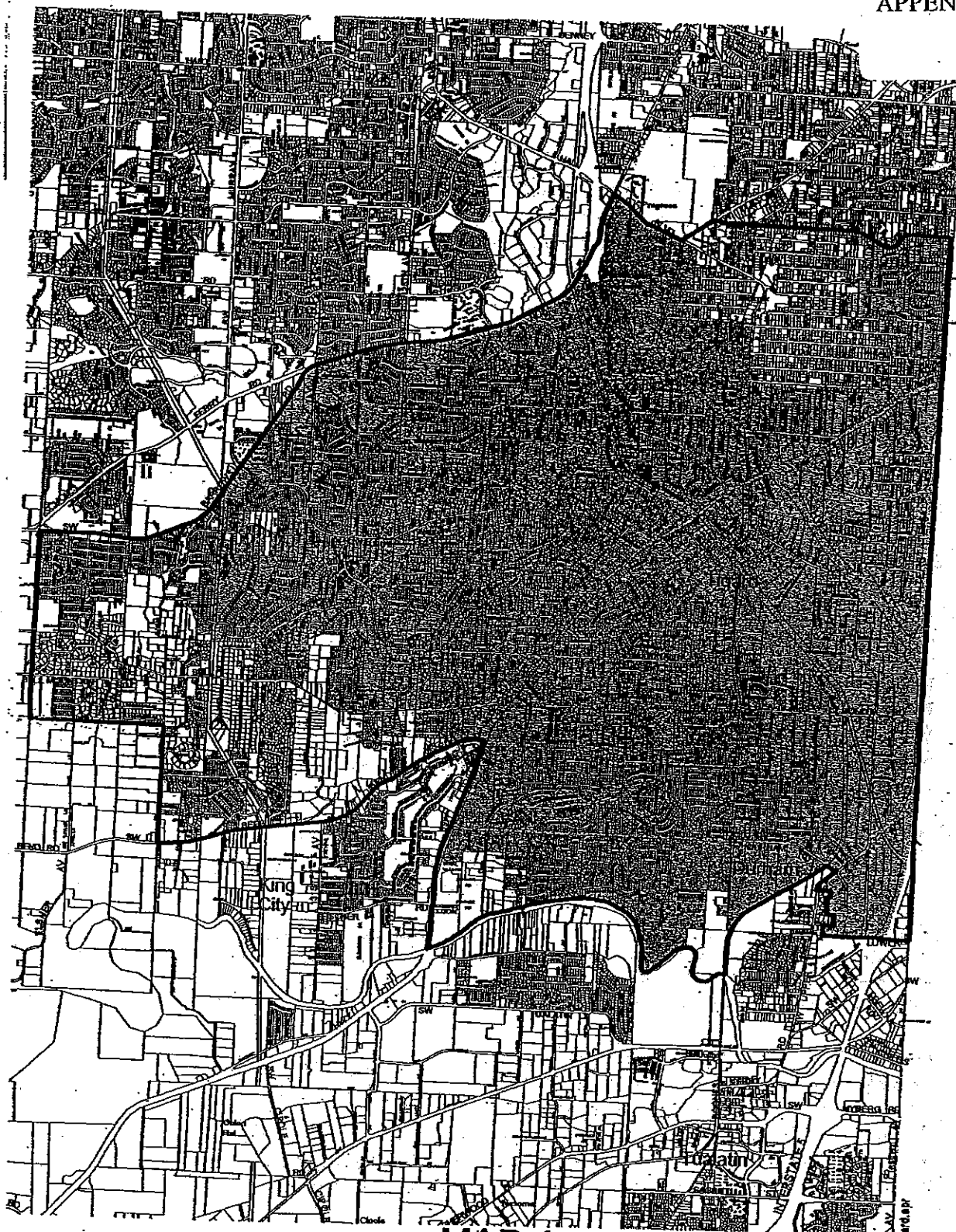
- A. Supply generally will not impact service boundaries, given that a limited number of sources provide all the water in the study area and the number of interconnections between providers are increasing and are encouraged to continue in the future.
- B. Future supply and conservation issues may be addressed through the Regional Water Consortium to the extent reasonable and practicable for water providers in Washington County. Service providers in the TUSA shall continue to participate in the Consortium and use it as the forum for raising, discussing and addressing supply issues.
- C. The Consortium may also serve as a forum to discuss and resolve water political issues to the extent reasonable and practicable for water providers in Washington County. The Consortium is an appropriate forum to bring elected officials together and for promoting more efficient working relationships on water supply and conservation issues.
- D. Intergovernmental agreements shall address ownership of interconnections between CITY and Districts' sources, whether for the purpose of wholesale provision of water from one entity to the other or for emergency use, in the case of a boundary change that involves the site of the interconnection.

**2. Maintenance/Distribution:**

- A. TVWD, TWD and the CITY do not anticipate any events in the foreseeable future that would necessitate maintenance, rehabilitation or replacement beyond the financial reach of any of the water providers in the TUSA. Each provider will continue to be responsible for providing the financial revenue stream through rates and charges and to accrue adequate reserves to meet foreseeable major maintenance needs.
- B. TVWD, TWD, CITY, and COUNTY agree to maintain and participate in the Cooperative Public Agencies of Washington County in order to efficiently share and exchange equipment and services.
- C. To the extent reasonable and practicable, TVWD, TWD and the CITY shall coordinate mandated (under Oregon law) underground utility locating services to efficiently provide service within the urban service areas.



- D. TVWD, TWD and CITY agree to provide to one another copies of as-builts of existing and new facilities and other types of water system maps for the purposes of facilitating planning, engineering and design of other utilities or structures that may connect, intersect or be built in proximity to CITY facilities. The CITY agrees to incorporate such mapping into its GIS mapping system of utilities and other facilities. TVWD, TWD and CITY agree to develop and maintain a common, on-going, up to date GIS mapping system showing facilities of each water provider within the TUSA.
3. Customer Service/Water Rates:
- A. Price of supply and bonded indebtedness will most likely have the greatest impact on rates.
- B. TVWD, TWD, and the CITY believe that rates are equitable within the TUSA.
- C. Given adequate water pressure, level and quality of service should not vary significantly among different water providers in the TUSA and does not appear to be an issue for most customers.
4. Withdrawal/Annexation/Merger:
- A. Notwithstanding Section I of this AGREEMENT - Roles and Responsibilities, or existing agreements between the providers, future annexations may lead to changes in service provision arrangements. Modifications to any service area boundary shall comply with METRO Code Chapter 3.09 and provisions identified under Section IV. If necessary, the Metro Boundary Appeals process shall be employed to resolve conflicts between parties as they arise. TVWD, TWD, and the CITY shall continue to work together to adjust boundaries as appropriate to improve the cost-effectiveness and efficiency of providing service.
- B. In the event that the entire service area of any DISTRICT is annexed in the future, that district shall be dissolved. No attempt shall be made to maintain the district by delaying annexation of a token portion of the district (e.g., the district office).
- C. The area of TVWD known as the Metzger service area shall remain in TVWD, except those portions agreed to by both TVWD and CITY that may be withdrawn from TVWD upon annexation to the CITY. In exchange, TVWD will support the CITY joining as a partner of the Joint Water Commission.
- D. Providers that propose a merger, major annexation or dissolution shall give all providers in the study area an opportunity to influence the decision as well as plan for the consequences. None of the parties waives its right to contest a major or minor boundary change by any of the other parties on the issue of the appropriate service provider for the area encompassed by the boundary change except when the party has expressly waived that right as to a described service area in an agreement executed subsequent to this agreement.



November 2002



2000 0 2000 4000 Feet

Evaluation criteria (100 pts)	North	West	South	East	N&W	S&E	N&S	S&W	All
<b>Tigard Service Provision Impact (30 pts)</b>									
Adjacent to City limits	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<p>If area is annexed alone, can it be fully served without significantly decreasing current City service levels immediately upon annexation? *Water, Sanitary sewer and storm sewer are not evaluated since they already serve this area. Road maintenance is not included because major projects have to be programmed into the CIP and will not be needed immediately upon annexation. Parks maintenance is not included because there are no developed parks properties to maintain.</p>									
▪ Police	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
▪ Street maintenance (PW)	Yes	Yes	Yes	Yes	No	No	No	No	No
▪ Street light maint. (% of gas tax revenues that cover gas tax needs)	99%	18%	69%	60%	45%	67%	80%	40%	54%
Would service provision of this area require crossing an area that is unincorporated?	No	Yes	Part.	No	Part.	No	Part.	Part.	No
<b>Relationship to UGB expansion area (20 pts)</b>									
Provides link to UGB area	Yes - 1	No	Yes - 1	No	Yes-2	Yes-1	Yes-2	Yes-2	Yes-2
<b>Financial impacts (45 pts)</b>									
Total Tax Revenues (for on-going services) vs. Total on-going costs - 2015	292,256	64,670	380,711	386,111	356,926	766,822	672,967	445,381	1,123,748
% of capital needs covered by revenues (includes all capital funds) – 2005 annexation	7.8%	10.6%	8.6%	9.9%	9.6%	9.4%	8.3%	9.7%	9.5%
Additional growth potential (difference between existing(baseline) dwelling units and projected build-out dwelling units	237	173	251	549	410	800	488	424	1210
<b>Additional factors</b>									
Publicly owned land with some park potential	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes
Total points	55	25	55	58	65	73	77	65	88

Draft

**ROADS THAT AUTOMATICALLY COME UNDER THE CITY'S  
JURISDICTION WITH THE BULL MOUNTAIN ANNEXATION**

1. SW. AUTUMNVIEW ST.
2. SW. TURNAGAIN DR.
3. SW. 122<sup>ND</sup> AVE. OFF BEEF BEND RD.
4. SW. THORNWOOD DR
5. SW. ASPEN RIDGE DR.
6. SW. WINTERVIEW DR.
7. SW. TERRAVIEW SR.
8. SW. SUMMERVIEW DR.
9. SW. SUMMERVIEW CT.
10. SW SUMMERVIEW ST.
11. SW. 133<sup>RD</sup> AVE.
12. SW. EAGLES VIEW LN.
13. SW 141<sup>ST</sup> AVE (WOODHUE TO EAGLES VIEW)
14. SW WOODHUE ST.
15. SW. COLYER WAY
16. SW VIEWPOINT CT.
17. SW TEWKESBURY DR
18. SW 144<sup>TH</sup> TERRACE
19. SW 145<sup>TH</sup> TERRACE
20. SW. 144<sup>TH</sup> PL.
21. SW. 141<sup>ST</sup> AVE. (NORTH OF BULLMT.RD.)
22. SW. 144<sup>TH</sup> AVE. (NORTH OF BULL MT. RD.)
23. SW. HIGH TOR DR.
24. SW SUNRISE LN.
25. SW. 153<sup>RD</sup> AVE.
26. SW. 148<sup>TH</sup> TERRACE
27. SW SOPHIA LN.
28. SW. BURGUNDY ST.
29. SW. JULIET TERRACE
30. SW. RASK TERRACE
31. SW. DEKALB ST.
32. SW. POLLARD LN.
33. SW 161<sup>ST</sup> AVE (SOUTH OF BULL MT. RD.)
34. SW. COOPER LN.
35. SW. BRAY LN.
36. SW. KESSLER LN.
37. SW. HAZELTINE LN.
38. SW. 164<sup>TH</sup> AVE.
39. SW. WOOD PL.
40. SW. COLONY PL.
41. SW. 162<sup>ND</sup> AVE
42. SW. PALERMO LN.

43. SW. FLORENTINE AVE.
44. SW. TUSCANY ST.
45. SW. MILAN ST.
46. SW. LORENZO LN.
47. SW VENEZIA TERRACE
48. SW 163<sup>RD</sup> PL.
49. SW. STAAHL DR.
50. SW CATTAIL CT.
51. SW. LEEDING LN.
52. SW. SNAPDRAGON LN.
53. SW ROSHAK RD.
54. SW. DEWBERRY LN.
55. SW CROMWELL CT.
56. SW. KERRINS CT.
57. SW. GEARIN CT.
58. SW. HOOPS CT.
59. SW. DAHLIA CT.
60. SW. 153<sup>RD</sup> TERRACE
61. SW. MENLOR LN.
62. SW. MAYVIEW WAY
63. SW. 152<sup>ND</sup> TERRACE
64. SW. KAMERON WAY
65. SW. BRIANNE WAY
66. SW.CATALINA DR.
67. SW 148<sup>TH</sup> AVE.
68. SW. RHUS CT.
69. SW 145<sup>TH</sup> TERRACE
70. SW PEACHTREE DR.
71. SW FIRTREE DR.
72. SW ROUNDTREE DR.
73. SW FERN ST.

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**ROADS THAT WILL NEED TO BE TRANSFERRED FROM WASHINGTON  
COUNTY TO THE CITY OF TIGARD**

1. SW 119 <sup>TH</sup> AVE	CR 2131
2. SW BULL MOUNTAIN RD.	CR 147 ½
3. SW ASHLEY DR.	CR 2786 & CR 2858
4. SW CHARLSTON LN.	CR 2876
5. SW SCARLET DR.	CR 2786 & CR 2711
6. SW PEACHTREE DR.	CR 2786, CR 2858, & CR 2711
7. SW CAROLINA CT.	CR 2786
8. SW RHETT CT.	CR 2786
9. SW 136 <sup>TH</sup> PLACE	CR 2786
10. SW 137 <sup>TH</sup> PLACE	CR 2786
11. SW 139 <sup>TH</sup> AVE.	CR 2831
12. SW 141 <sup>ST</sup> AVE.	CR 2011 , CR 2689 & CR 2209
13. SW 144 <sup>TH</sup> AVE.	CR 2207
14. SW TEWKESBURY DR.	CR 2820
15. SW WINDHAM TERRACE	CR 2820
16. SW HAMPSHIRE TERRACE	CR 2820
17. SW BARRINGTON TERRACE	CR 2820
18. SW GLASTONBURY LN.	CR2820
19. SW AYSLEY WAY	CR 2820
20. SW WESTMINSTER DR.	CR 2820 & CR 2766
21. SW CHESTERFIELD LN.	CR 2766 & CR 2720
22. SW BARRINGTON PLACE	CR 2766
23. SW CHARDONNAY AVE	CR 2700
24. SW MOET CT.	CR 2700
25. SW PINOT CT.	CR 2700
26. SW 144 <sup>TH</sup> AVE.	CR 2700
27. SW CABERNET CT.	CR 2700
28. SW 148 <sup>TH</sup> PLACE	CR 2947
29. SW CRESTRIDGE CT.	CR 2927
30. SW 150 <sup>TH</sup> AVE	CR 378
31. SW GRANDVIEW LN	CR 2867
32. SW 147 <sup>TH</sup> TERRACE	CR 2867
33. SW PEAK CT.	CR 2867
34. SW 152 <sup>ND</sup> PLACE	CR 2475
35. SW BURGUNDY ST.	CR 2826
36. SW 154 <sup>TH</sup> TERRACE	CR 2826
37. SW CABERNET DR.	CR 2826
38. SW WOODHUE ST	CR 2871 & CR 2803
39. SW SHOUE DR.	CR 2871 & CR 2720
40. SW 147 <sup>TH</sup> AVE.	CR 2871 & CR 2720
41. SW HAWK RIDGE RD.	CR 2295
42. SW CHARDONAY AVE.	CR 2926

43. SW 149 <sup>TH</sup> PLACE	CR 2803
44. SW 146 <sup>TH</sup> AVE.	CR 2720
45. SW ROSARIE LN.	CR 2716
46. SW ROSHAK RD.	CR 147 ½
47.	CR 821
48. SW COLONY DR.	CR 2101 & CR 2252
49. SW COLONY PLACE	CR 2101 & CR 2252
50. SW 161 <sup>ST</sup> AVE	CR 2101 & CR 2252
51. SW COLONY CT.	CR 2101
52. SW 157 <sup>TH</sup> PLACE	CR 2538
53. SW BAKER LN.	CR 2538
54. SW 158 <sup>TH</sup> TERRACE	CR 2538
55. SW BULL MOUNTAIN RD.	CR 262
56. SW PALERMO LN.	CR 3070
57. SW MILAN LN.	CR 3070
58. SW 159 <sup>TH</sup> TERRACE	CR 3070 & CR 2961
59. SW TUSCANY ST.	CR 3070
60. SW 162 <sup>ND</sup> TERRACE	CR 3070
61. SW PALMERO LN.	CR 3070
62. SW UPLANDS DR.	CR 3070 & CR 2961
63. SW ROSHAK RD.	CR 3070 & CR 2891
64. SW SNAPDRAGON LN.	CR 2961
65. SW BRISTLECONE WAY	CR 2961
66. SW SUNDEW DR.	CR 2961
67. SW 161 <sup>ST</sup> PLACE	CR 2917
68. SW TEAROSE WAY	CR 2917
69. SW DEWBERRY LN.	CR 2917
70. SW BULLRUSH LN	CR 2917 & CR 2873
71. SW 160 <sup>TH</sup> AVE	CR 2917
72. SW ROCKROSE LN	CR 2917 & CR 2900
73. SW WINTERGREEN ST.	CR 2917, CR 2873 & CR 2948
74. SW YARROW WAY	CR 2900
75. SW 154 <sup>TH</sup> AVE.	CR 2948
76. SW FIRTREE DR.	CR 2948
77. SW ROUNDTREE DR.	CR 2948
78. SW O'NEIL COURT	CR 2891
79. SW FERN ST.	CR 3071
80. SW CREEKSHIRE DR.	CR 3071
81. SW JENSHIRE LN.	CR 3071
82. SW HORIZON BLVD.	CR 3071
83. SW 147 <sup>TH</sup> PLACE	CR 3071
84. SW COLYER WAY	CR 3074
85. SW TARLETON CT.	CR 2711
86. SW ASHLEY CT.	CR 2711
87. SW SCARLET PLACE	CR 2711
88. SW GLASTONBURY LN.	CR 2820

89. SW 157TH AVE	CR 2873 & CR 2900
90. SW LUKE LN.	CR 2891
91. SW BECKY LAUNG CT.	CR 2891

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**Change in Service Levels Between County and City  
For Services Where Provider and Service Changes  
Upon Annexation**

<i>I. Service</i>	<i>II. Provider Today</i>	<i>III. Under Annexation</i>	<i>IV. Change in Service upon annexation?</i>
Police	Washington County provides 1.0 officers/1000 people (.5 standard; .5 from Enhanced Patrol). Response Times: Average response times to Priority 1 calls (4 minutes, 30 seconds) and Priority 2 calls (6 minutes, 7 seconds). (2002 data from Washington County Consolidated Communications Agency Calls for Service Database)	The City of Tigard would provide 1.5 officers/1000 people.  Response Times: Average response times to Priority 1 calls (1 minute, 36 seconds) and Priority 2 calls (3 minutes, 59 seconds). (2002 data from Washington County Consolidated Communications Agency Calls for Service Database)	Yes There would be an increase of approximately .5 officers/1000 people
Parks	Washington County does not provide parks services.	The Tigard Park Master Plan calls for 2 neighborhood parks and 1 community park in the Bull Mountain area. The plan also calls for a small playground to be built adjacent to the Cache Nature Park.	Yes The City provides park services.
General Road Maintenance	Washington County through the Urban Road Maintenance District. General street maintenance by the County is primarily on a complaint-driven basis. Typical maintenance activities include: <ul style="list-style-type: none"> <li>• pothole patching</li> <li>• grading graveled roads</li> <li>• cleaning drainage facilities</li> <li>• street sweeping</li> <li>• mowing roadside grass and brush (only the shoulder strip)</li> <li>• maintaining traffic signals</li> <li>• replacing damaged signs</li> </ul>	The City's road maintenance performs maintenance on regular schedules as well as on a complaint-driven basis. Typical maintenance activities include: <ul style="list-style-type: none"> <li>• pothole patching</li> <li>• grading graveled roads</li> <li>• cleaning drainage facilities</li> <li>• street sweeping</li> <li>• mowing roadside grass and brush (shoulder strip + ditch line)</li> <li>• maintaining traffic signals</li> <li>• replacing damaged signs</li> <li>• installing and replacing street markings</li> <li>• crack sealing</li> <li>• vegetation removal for vision clearance</li> <li>• street light tree trimming for light clearance</li> <li>• dust abatement on graveled roads</li> </ul>	Yes The City provides additional road maintenance services.
Long Range Planning	Washington County. This includes comprehensive planning, such as master plans. The 1983 Bull Mountain Community Plan is the operative plan Washington County has in place for the Plan Area.  <b>Miles      Population      Planners</b> 727 sq.m.   463,050                      8.5 (2002 estimate)	City of Tigard. Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.  <b>Miles      Population      Planners</b> 11.5 sq.m.   44,070                      4 (2002) <b>With annexation:</b> 13.5 sq.m.   51,692                      4	Yes. Annexation will allow the City to plan for growth on Bull Mountain with an updated comprehensive plan for the entire community.

# Exhibit B

## **FINDINGS AND CONCLUSIONS REGARDING ANNEXATION OF BULL MOUNTAIN AREA TO CITY OF TIGARD BY ANNEXATION PLAN**

### **AREA PROPOSED FOR ANNEXATION**

1. The area proposed for annexation, (the "Bull Mountain Area"), consists of approximately 1,376 acres of land west of and immediately adjacent to the Tigard city limits, including a few "islands" of unincorporated land surrounded by the City in close proximity to the rest of the area proposed for annexation. The Bull Mountain Area is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. Map 1 on p. 4 of *The Bull Mountain Annexation Plan* denotes the specific boundaries.
2. The Bull Mountain Area is outside the city limits of any city, but within the urban growth boundary.
3. Some of the Bull Mountain Area is currently undeveloped. Other portions are developed, primarily with single-family homes. About 7,600 people live in about 2,600 homes in the Bull Mountain Area. The total assessed value of the property in the Bull Mountain Area is \$605,504,640.
4. Pursuant to an intergovernmental agreement between Washington County and the City of Tigard, City zoning designations have been adopted for the Bull Mountain Area. Those zones are the R-4.5 zone (low density residential, minimum lot size 7,500 square feet), R-7 (medium density residential, minimum lot size 5,000 square feet), R-12 (medium density residential, minimum lot size 3,050 square feet) and R-25 (medium-high density residential, minimum lot site 1,480 square feet).

### **EXISTING PUBLIC SERVICES**

5. The area currently receives some public services. Other public services are available to residents, but only by going to other areas, such as Tigard.
6. Public water, sewer, storm drainage, transportation (roads), police and fire protection services are all currently available within the Bull Mountain Area. Bull Mountain Area residents may make use of libraries in the Washington County system, but no library branches are sited within the Bull Mountain Area. There are no parks within the Bull Mountain Area. Bull Mountain Area residents use libraries and parks in the City of Tigard.

### **ANNEXATION PLAN**

7. The City of Tigard developed an annexation plan for the Bull Mountain Area, with the first version completed in November 2003. The original plan called for annexation in stages. Based on input from the Tigard City Council, the annexation plan was redrafted

to provide for annexation of the entire Bull Mountain Area at one time, with the annexation to be effective July 1, 2005. The revised plan was made available on July 12, 2004. The Bull Mountain Annexation Plan was originally drafted to be an annexation plan as provided for in ORS Chapter 195, but the Council determined that it would proceed with the annexation under ORS Chapter 222. However, the Council did accept the annexation plan by resolution and establish the plan as applicable guidelines for the annexation of the area. Use of the plan is consistent with Goal 2 by providing a plan for a land use action.

8. An essential element of any annexation plan is the description of how public services are to be changed, if at all, but the annexation. The Annexation Plan groups urban services into three categories: (1) services that will remain unchanged and with the same service provider; (2) services that will remain the same, but with a different service provider; and (3) services that will be changed with a different service provider. In all cases, the changes in service resulting from annexation will result in a higher level of service.

a. The services that will remain the same, with the same service provider are:

- i. Fire protection and emergency services (Tualatin Valley Fire and Rescue);
- ii. Mass transit (Tri-Met);
- iii. Building and development services – building permits and land-use application approvals (City of Tigard);
- iv. Schools (School District);
- v. Water (Technical change in from Tigard Water District to City of Tigard, but no actual change because City of Tigard currently is the actual service provider by IGA with Tigard Water District).

b. The services that will remain the same, with a different provider are:

- i. Sanitary sewer and storm drainage (Clean Water Services currently is legal service provider and provides actual services, effective January 1, 2005, City of Tigard will provide maintenance services by IGA with CWS, regardless of status of annexation);
- ii. Street light maintenance (currently Washington County, will be City of Tigard);
- iii. Road pavement quality (currently Washington County, will be City of Tigard)(County will be required to improve individual roads to bring up to standard before transferring roads to City).

c. The services that will have a change in service with a new provider are:

- i. Parks and open space (No service by Washington County, City of Tigard will provide parks)
- ii. Street maintenance other than pavement quality (Washington County is current provider, City will provide services after annexation, at height level as to mowing roadside grass and brush, dust abatement, vegetation removal, and shoulder maintenance);
- iii. Police (Washington County Enhanced Sheriff Patrol District to be replace

- by City of Tigard Police. Tigard provides an additional .5 officers per 1,000 population);
- iv. Long range planning (Washington County has no ongoing long-range planning projects, City will provide updated comprehensive plan to include Bull Mountain Area, if annexed).

#### COMPLIANCE WITH APPLICABLE STANDARDS

9. Annexation decisions must comply with numerous sets of standards. Applicable standards are provided by the statewide land use planning goals, Metro regulations, and the City's Comprehensive Plan and Community Development Code.

#### ORS CHAPTER 222

THE FOLLOWING SETS OUT THE PRE-APPROVAL PROCEDURAL STANDARDS OF ORS CHAPTER 222 APPLICABLE TO A CITY-INITIATED ANNEXATION THAT IS SUBMITTED TO VOTERS BOTH WITHIN THE CITY AND IN THE TERRITORY TO BE ANNEXED.

**222.111(5)** *The legislative body of the city shall submit, except when not required under ORS 222.120, 222.170 and 222.840 to 222.915 to do so, the proposal for annexation to the electors of the territory proposed for annexation and, except when permitted under ORS 222.120 or 222.840 to 222.915 to dispense with submitting the proposal for annexation to the electors of the city, the legislative body shall submit such proposal to the electors of the city. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose.*

10. The proposed annexation is being submitted to the electors of the territory proposed for annexation and to the electors of the city to be voted on at a general election.

**ORS 222.111(6)** *The proposal for annexation may be voted upon by the electors of the city and of the territory simultaneously or at different times not more than 12 months apart.*

11. The proposal is being set for a simultaneous vote in the area to be annexed and in the city.

**ORS 222.111(3)** *The proposal for annexation may provide that, during each of not more than 10 full fiscal years beginning with the first fiscal year after the annexation takes effect, the rate of taxation for city purposes on property in the annexed territory shall be at a specified ratio of the highest rate of taxation applicable that year for city purposes to other property in the city. The proposal may provide for the ratio to increase from fiscal year according to a schedule of increase specified in the proposal; but in no case shall the proposal provide for a rate of taxation for city purposes in the annexed territory which will exceed the highest rate of taxation applicable that year for city purposes to other property in the city. If the annexation takes place on that basis of a proposal providing for taxation at a ration, the city may not tax property in the annexed territory at a rate other than the ration which the proposal authorizes for that fiscal year.*

12. The proposal being submitted to the voters calls for a phase-in of property taxation over

three years. Taxation for the first fiscal year (FY 2005-06) will be at 50% of the rate of taxation in the rest of the City. Taxation for the second fiscal year (FY 2006-07) will be at 75% of the rate in the rest of the City. Taxation for the third and subsequent years shall be at 100% of the rate in the rest of the City. Phase-in of taxation at this rate will allow the City to continue to provide services in the City at existing levels and will allow the City to provide services in the area proposed for annexation as proposed in the annexation plan.

**ORS 222.111(7)** *Two or more proposals for annexation of territory may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot, and voted on separately, and in the territory proposed for annexation no proposal for annexation other territory shall appear on the ballot.*

13. The proposal is for a single annexation. Although four separate annexations were originally proposed, they have all been combined into a single annexation.

**ORS 222.160 Procedure when annexation is submitted to city vote; proclamation.** *This section applies when the city legislative body has not dispensed with submitting the question of annexation to the electors of the city. If the city legislative body finds that a majority of the votes cast in the territory and a majority of the votes cast in the city favor annexation, then the legislative body, by resolution or ordinance, shall proclaim those annexations which have received a majority of the votes cast in both the city and the territory. The proclamation shall contain a legal description of each territory annexed.*

14. This criterion is not applicable at this time. However, the city will comply with the standard and proclaim the annexation only if the proposed annexation receives a majority of the votes in both the city and the territory proposed for annexation.

THE FOLLOWING SETS OUT THE STATEWIDE LAND USE PLANNING GOALS IN ITALICS, FOLLOWED BY FINDINGS ADDRESSING COMPLIANCE WITH THE GOALS IN REGULAR TYPE. PORTIONS OF SOME GOALS HAVE BEEN OMITTED TO SAVE SPACE. GUIDELINES THAT ARE DIRECTLY APPLICABLE ARE ALSO ADDRESSED, ALTHOUGH THE GUIDELINES ARE LIKEWISE NOT SET OUT IN ORDER TO SAVE SPACE.

#### GOAL 1: CITIZEN INVOLVEMENT

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

*The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.*

*The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues. Federal, state and regional agencies, and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.*

15. The City's existing Comprehensive Plan and implementing regulations are in compliance with Goal 1 by providing a comprehensive public process for development and application of all land use regulations. The Bull Mountain Annexation Plan does not alter those provisions and the City's regulations therefore remain in compliance with Goal 1.
16. In regard to *the Bull Mountain Annexation Plan* specifically, the City established opportunities for public involvement. The City established a communications plan prior to finalizing the original proposal, submitting the land-use application and mailing of the public notice. To involve the public prior to the formal land-use process, the City established a Bull Mountain hotline and dedicated E-mail address on September 23, 2003, for comments and questions regarding the Plan.
17. On May 20, 2004, the Committee for Citizen Involvement met and reviewed the communications plan for *The Bull Mountain Annexation Plan* and provided comments to enhance the program.
  - a. Notice of the public hearing was mailed to all CIT facilitators, the Washington County CPO coordinator, affected property owners, and surrounding property owners within 500 feet of the Plan Area.
  - b. Notice of the public hearing was published in two newspapers of general circulation: *The Tigard Times* on July 8<sup>th</sup> and July 15<sup>th</sup>, and the *Oregonian* on July 15<sup>th</sup> and July 22<sup>nd</sup>.
  - c. Notice of the public hearing was posted in 13 locations in the Bull Mountain Area on June 11, 2004.
18. The City Council held a public hearing during the Type IV processing of this application and petition on July 27, 2004.
19. The City had a prolonged public process with opportunity for citizen involvement and input throughout.
20. The proposed annexation process is consistent with Goal 1, including those portions of Goal 1 not set out above..

## GOAL 2: LAND USE PLANNING

### *PART I – PLANNING*

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

*City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268. All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration*

*social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.*

*All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.*

21. The City is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing the Plan. The Bull Mountain annexation is being processed consistently with the planning policies in the Comprehensive Plan.
22. The Annexation Plan that the City has established as guidelines for the annexation calls for the City to update the Comprehensive Plan. The update will assure continued compliance with Goal 2.
23. Part II of Goal 2 relates to exceptions and is not applicable. That portion of the Goal is not set out above.
24. The proposed annexation and process is consistent with Goal 2, including the Goal 2 Guidelines.

### GOAL 3: AGRICULTURAL LANDS

*To preserve and maintain agricultural lands.*

25. The territory to be annexed does not include designated agricultural land, so Goal 3 does not apply.

### GOAL 4: FOREST LANDS

*To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

26. The territory to be annexed does not include any designated forest lands, so Goal 4 does not apply.

## GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

*To protect natural resources and conserve scenic and historic areas and open spaces.*

*Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contribute to Oregon's livability. The following resources shall be inventoried:*

- a. Riparian corridors, including water and riparian areas and fish habitat;*
- b. Wetlands;*
- c. Wildlife Habitat;*
- d. Federal Wild and Scenic Rivers;*
- e. State Scenic Waterways;*
- f. Groundwater Resources;*
- g. Approved Oregon Recreation Trails;*
- h. Natural Areas;*
- i. Wilderness Areas;*
- j. Mineral and Aggregate Resources;*
- k. Energy sources;*
- l. Cultural areas.*

*Local governments and state agencies are encouraged to maintain current inventories of the following resources:*

- a. Historic Resources;*
- b. Open Space;*
- c. Scenic Views and Sites.*

*Following procedures, standards, and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.*

27. This Goal does not directly apply to annexations. The City's existing regulations are in compliance with Goal 5. The City has been working with Metro, Washington County and other partners to identify regionally significant riparian and wildlife resources both in the City and on Bull Mountain, and to develop a program to enhance and protect those resources. The Bull Mountain Annexation Plan includes open space projects such as the Cache Creek Nature Park. (See *Annexation Plan*, Table 4, p. 9.). As part of the City's Comprehensive Plan update process which is planned for in the annexation plan, the City would update the existing Comprehensive Plan to assure that its regulations are consistent with and further Goal 5 in all areas.
28. The proposed annexation will allow Goal 5 to continue to be complied with within the proposed annexation area. The annexation is consistent with Goal 5 and with the Goal 5 Guidelines.

## GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY



*To maintain and improve the quality of the air, water and land resources of the state.*

*All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.*

29. This Goal does not directly apply to annexations. The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 6. Any development proposed after annexation would have to be approved under the City's implementing regulations.
30. The proposed annexation would allow Goal 6 and the Goal 6 Guidelines to continue to be complied with within the proposed annexation area.

#### GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

*To protect life and property from natural disasters and hazards.*

##### **A. NATURAL HAZARD PLANNING**

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.
2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

##### **B. RESPONSE TO NEW HAZARD INFORMATION**

1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.
2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.
3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

##### **C. IMPLEMENTATION**

*Upon receiving notice from the Department, a local government shall:*

1. Evaluate the risk to people and property based on the new inventory information and an assessment of:
  - a. the frequency, severity and location of the hazard;

- b. the effects of the hazard on existing and future development;*
- c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and*
- d. the types and intensities of land uses to be allowed in the hazard area.*

*2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.*

*3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:*

- a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and*
- b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1) (a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.*

*4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.*

#### **D. COORDINATION**

*1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.*

*2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.*

31. This Goal does not directly apply to annexations. The City's Comprehensive Plan is acknowledged to be in compliance with this Goal. The proposed annexation is consistent with Comprehensive Plan policies. Any development in the annexation Plan Area must follow the City's acknowledged implementing regulations relating to natural hazards. As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and those amendments would be consistent with this goal.

32. The proposed annexation would allow Goal 7 and the Goal 7 Guidelines to continue to be complied with within the proposed annexation area.

#### **GOAL 8: RECREATIONAL NEEDS**

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

## **RECREATION PLANNING**

*The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.*

## **DESTINATION RESORT SITING**

*Comprehensive plans may provide for the siting of destination resorts on rural lands subject to the provisions of the Goal and without a Goal 2 exception to Goals 3, 4, 11, or 14.*

33. This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 8, and the proposed annexation is consistent with the Comprehensive Plan. The *Bull Mountain Annexation Plan* includes Parks and Open Space planning, which would be initiated within the first year as part of the Comprehensive Plan update. (See *Annexation Plan*, Table 4, page 9.) Provision of parks will allow recreational opportunities to be offered in those parks. The City currently cooperates with private recreational service providers (sports leagues, etc.) and would continue to do so.
34. The proposed annexation would allow Goal 8 and the Goal 8 Guidelines to continued to be complied with within the annexation area.
35. The Destination Resort provisions of this Goal are not applicable.

## **GOAL 9: ECONOMIC DEVELOPMENT**

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

*Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements. Comprehensive plans for urban areas shall:*

- 1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;*
- 2. Contain policies concerning the economic development opportunities in the community;*

*3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;*

*4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses. In accordance with ORS 197.180 and Goal 2, state agencies that issue permits affecting land use shall identify in their coordination programs how they will coordinate permit issuance with other state agencies, cities and counties.*

36. This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 9, and the annexation is consistent with Comprehensive Plan policies. As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and would do so consistent with this goal.

37. The proposed annexation would allow Goal 9 and the Goal 9 Guidelines to continue to be complied with within the annexation area.

#### GOAL 10: HOUSING

*To provide for the housing needs of citizens of the state.*

*Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

38. This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 10, and the proposed annexation is consistent with Comprehensive Plan. The proposed annexation would bring 1,376 acres of residential land and approximately 2,600 homes into the City. The Plan Area includes a diversity of residential zoning, from R-4.5 to R-25, offering housing at different densities. Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

39. As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan consistent with this goal.

40. The proposed annexation would allow Goal 8 to continued to be complied with within the annexation area.

#### GOAL 11: PUBLIC FACILITIES AND SERVICES

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

*Urban and rural development shall be guided and supported by types and levels of urban and*

*rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. Counties shall develop and adopt community public facility plans regulating facilities and services for certain unincorporated communities outside urban growth boundaries as specified by Commission rules. Counties Local Governments shall not allow the establishment or extension of new sewer systems outside urban growth boundaries or unincorporated community boundaries, or allow new extensions of sewer lines from within urban growth boundaries or unincorporated community boundaries to serve land outside those boundaries, except where the new or extended system is the only practicable alternative to mitigate a public health hazard and will not adversely affect farm or forest land.*

*For land that is outside urban growth boundaries and unincorporated community boundaries, county land use regulations shall not rely upon the establishment or extension of a water system to authorize a higher residential density than would be authorized without a water system.*

*Local governments shall not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.*

*In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.*

41. The Tigard Comprehensive Plan has been acknowledged to be consistent with Goal 11, and the proposed annexation is consistent with the Comprehensive Plan. (See addressing Comprehensive Plan, Findings 110 to 127.
42. ORS 195.065 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. Tigard's Comprehensive Plan policies require a review to determine that adequate capacity will be available to serve areas being annexed and that the annexation will not significantly reduce the level of services available to the City of Tigard for the following services: sewer, water, drainage, fire protection, streets, and police. The Bull Mountain Annexation Plan addresses the provision of both urban services as defined by ORS 195.065 and the services required to be considered by the Comprehensive Plan. The Plan also addresses building and development services, and street light maintenance. Building and development services are included because of an existing County-City intergovernmental agreement which would be affected by annexation. Street light maintenance and long-range planning have been included because annexation would change service providers.
43. The Bull Mountain Annexation Plan addresses all of these urban services in Table 4 (p. 9) and identifies local standards of urban service availability. The Bull Mountain Annexation Plan concludes in Section II.A. (p. 7) that all services except recreation are available to the annexation area. Upon annexation, the City of Tigard will be the service

provider to the annexed territory for the following services: sanitary and storm sewer, water, parks and open space, road quality maintenance, street maintenance, building and development services, street light maintenance, police and long-range planning. Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same. Neither Washington County nor the City of Tigard provide recreation services. However, recreation services are provided by non-governmental bodies. The City of Tigard cooperates with many private recreation service providers so that recreation services are provided in City parks.

44. If voters approve the annexation, the City will hire additional personnel and obtain additional equipment needed to maintain service standards for Public Works (Streets). Tigard will assume responsibility for County-numbered roads by agreement with the County, with the transfer of jurisdiction over those roads to occur within one year of annexation. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. This schedule demonstrates that the City will maintain existing levels of service within the City and will maintain or improve levels of service within the area to be annexed.
45. The City and other service providers who would continue to provide services after annexation have the capacity to provide services in the proposed annexation area, assuring a timely, orderly and efficient arrangement of public facilities and services. Those services would serve as a framework for urban development of Bull Mountain.
46. The proposed annexation, in combination with the City's existing plans for providing public service, is in compliance with and will further the purposes of Goal 11 and the Goal 11 Guidelines.

#### GOAL 12: TRANSPORTATION

*To provide and encourage a safe, convenient and economic transportation system.*

*A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.*

47. This Goal does not directly apply to annexations. Under the Annexation Plan, the City would accept responsibility for the Bull Mountain area's streets and roads, with the transfer from County jurisdiction complete within one year of the annexation. (See Annexation Plan, pages 8 and 9.)
48. The Comprehensive Plan has been acknowledged to be consistent with Goal 12, and

the proposed annexation is consistent with the Comprehensive Plan.

49. The proposed annexation would allow Goal 12 and the Goal 12 Guidelines to continue to be complied with within the annexation area.

#### GOAL 13: ENERGY CONSERVATION

*To conserve energy.*

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

50. This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 13, and the proposed annexation is consistent with the Comprehensive Plan. Any development in the annexation area must satisfy the City's implementing regulations.
51. As part of the City's Comprehensive Plan update process, which would be initiated after annexation, the City would update the existing Comprehensive Plan and the updates will be consistent with this goal.
52. The proposed annexation would allow Goal 13 and the Goal 13 Guidelines to continue to be complied with within the annexation area.

#### GOAL 14: URBANIZATION

*To provide for an orderly and efficient transition from rural to urban land use.*

*Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:*

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;*
- (2) Need for housing, employment opportunities, and livability;*
- (3) Orderly and economic provision for public facilities and services;*
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;*
- (5) Environmental, energy, economic and social consequences;*
- (6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,*
- (7) Compatibility of the proposed urban uses with nearby agricultural activities.*

*The results of the above considerations shall be included in the comprehensive plan. In the*

*case of a change of a boundary, a governing body proposing such change in the boundary separating urbanizable lands from rural land, shall follow the procedures and requirements as set forth in the Land Use Planning goal (Goal 2) for goal exceptions. Any urban growth boundary established prior to January 1, 1975, which includes rural lands that have not been built upon shall be reviewed by the governing body, utilizing the same factors applicable to the establishment or change of urban growth boundaries. Establishment and change of the boundaries shall be a cooperative process between a city and the county or counties that surround it. Land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of:*

- (1) Orderly, economic provision for public facilities and services;*
- (2) Availability of sufficient land for the various uses to insure choices in the market place;*
- (3) LCDC goals or the acknowledged comprehensive plan; and,*
- (4) Encouragement of development within urban areas before conversion of urbanizable areas. In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by Commission rules which ensure such uses do not:*

- (1) adversely affect agricultural and forest operations, and*
- (2) interfere with the efficient functioning of urban growth boundaries.*

*Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:*

- (a) was lawfully created;*
- (b) lies outside any acknowledged urban growth boundary or unincorporated community boundary;*
- (c) is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and*
- (d) is planned and zoned primarily for residential use.*

- 53. The Comprehensive Plan has been acknowledged to be consistent with Goal 14, and the annexation is consistent with the Comprehensive Plan, as described in the findings relating to the Comprehensive Plan. See Findings 110 to 127.
- 54. The proposed annexation into the City is an important step in the orderly and efficient transition from rural to urban land use in the Bull Mountain area.
- 55. In 1983, the County and City signed an Urban Planning Area Agreement (UPAA). The UPAA established Bull Mountain as part of the City's planning area.
- 56. Over the last 20 years, the area has become urbanized with streets, sidewalks, and urban service needs. (See Annexation Plan Introduction, page 1.) The territory to be



annexed is entirely inside the UGB. (See Map1, Annexation Plan, page 3.)

57. The City and other service providers who would continue to provide services after annexation have the capacity to provide services in the proposed annexation area, based on the Tigard Urban Service Agreement (TUSA) (See Appendix D to the Annexation Plan.) The TUSA provides a plan for public services and facilities for the Bull Mountain area.
58. There are approximately 7,600 residents living in 2,600 homes on the mountain's 1,376 unincorporated acres (2003 estimates). Development of the remaining land would raise the overall population to just under 10,000. This additional growth would require additional facilities and services. Annexation would allow the City to actually plan for and provide a full range public services, in cooperation with those districts that will continue to serve the area.
59. The proposed annexation is consistent with Goal 14 and the Goal 14 Guidelines.

#### GOAL 15: WILLAMETTE RIVER GREENWAY

*To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

60. This Goal is not applicable to this proposed annexation because the area being annexed is not within the Willamette River Greenway area.

#### GOAL 16: ESTUARINE RESOURCES

*To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.*

61. This Goal is not applicable to this proposed annexation because the area to be annexed is not in or near an estuary.

#### GOAL 17: COASTAL SHORELANDS

*To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.*

62. This Goal is not applicable to this proposed annexation because the area to be annexed is not in or near a coastal shoreland.

## GOAL 18: BEACHES AND DUNES

*To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

63. This Goal is not applicable to this proposed annexation because the area being annexed is not within a coastal beach or dune area.

## GOAL 19: OCEAN RESOURCES

*To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.*

64. This Goal is not applicable to this proposed annexation because it is not in or near the ocean.

THE FOLLOWING SETS OUT APPLICABLE PROVISIONS OF THE METRO CODE IN ITALICS, FOLLOWED BY FINDINGS IN REGULAR TYPE ADDRESSING THE APPLICABLE METRO CODE PROVISIONS. NOT ALL SECTIONS OR SUBSECTIONS OF METRO CODE 3.09 ARE RELEVANT; ONLY RELEVANT SECTIONS ARE ADDRESSED.

### ***Metro Code 3.09.030 Uniform Notice Requirements for Final Decisions***

*(a) The following minimum requirements apply to all boundary change decisions by an approving entity. Approving entities may choose to provide more notice than required. These procedures are in addition to and do not supersede the applicable requirements of ORS Chapters 197, 198, 221 and 222 and any city or county charter for boundary changes. Each approving entity shall provide for the manner of notice of boundary change decisions to affected persons.*

*(b) An approving entity shall set a time for deliberations on a boundary change within 30 days after the petition is completed. The approving entity shall give notice of its proposed deliberations by mailing notice to all necessary parties, by weatherproof posting of the notice in the general vicinity of the affected territory, and by publishing notice in a newspaper of general circulation in the affected territory. Notice shall be mailed and posted at least 45 days prior to the date of decision for major boundary changes and for those minor boundary changes which are not within the scope of adopted urban service provider agreements and for which a shorter notice period has not been agreed to by all necessary parties. However, notice of minor boundary changes to special districts may be mailed and posted at least 40 days prior to the proposed date of decision. Notice shall be published as required by state law.*

*(c) The notice of the date of deliberations shall: describe the affected territory in a manner that allows certainty; state the date, time and place where the approving entity will consider the boundary change; and state the means by which any interested person may obtain a copy of the approving entity's report on the proposal. The notice shall state whether the approving entity intends to decide the boundary change without a public hearing unless a necessary party requests a public hearing.*

*(d) An approving entity may adjourn or continue its final decision on a proposed boundary change to another time. For a continuance later than 31 days after the time stated in the original notice, notice shall be reissued in the form required by subsection (b) of this section at least 15 days prior to the continued date of decision. For a continuance scheduled within 31 days of the previous date for decision, notice shall be adequate if it contains the date, time and place of the continued date of decision.*

*(e) An approving entity's final decision shall be reduced to writing and authenticated as its official act within 5 working days following the decision and mailed to Metro and to all necessary parties to the decision. The mailing to Metro shall include payment to Metro of the filing fee required pursuant to Section 3.09.110. The date of mailing shall constitute the date from which the time for appeal runs for appeal Metro Boundary Appeals Commission.*

65. The City provided notice of the hearing to all necessary parties and by posting notice in compliance with MC 3.09.030(b) and (c) within the Bull Mountain Area at least 45 days before the initial hearing and at least 15 days prior to the continued hearing.

**Metro Code 3.09.040 - Minimum Requirements for a Petition**

*(a) A petition for a boundary change shall be deemed complete if it includes the following information:*

*(1) The jurisdiction of the approving entity to act on the petition;*

*(2) A narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Chief Operating Officer;*

*(3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk;*

*(4) A listing of the present providers of urban services to the affected territory;*

*(5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;*

*(6) The current tax assessed value of the affected territory; and*

*(7) Any other information required by state or local law.*

66. The City's land-use applications included all of the information required by Metro Code 3.09.040 (a).

**Metro Code 3.09.050 – Uniform Hearing and Decision Requirements for Final Decisions Other Than Expedited Decisions**

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*(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall*

*make available to the public a report that addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:*

67. City staff prepared a staff report addressing the criteria stated in MC 3.09.050 (d) and (g). The report was available on July 12, 2004, 15 days before the hearing.

*(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;*

68. The staff report addresses the present availability of urban services in the Bull Mountain Area.

*(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;*

69. The staff report describes how the proposed annexation is consistent with the TUSA.

*(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;*

70. The staff report analyzes consistency with all applicable provisions. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. The regional urban growth goals and objectives have been implemented by the Urban Growth Management Functional Plan and by Metro Code provisions related to annexation. The staff report addresses compliance with those provisions. The regional policies listed in the Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances, but do not apply directly to annexations. Section IV.C. of the staff report also addresses state planning goals.

71. Section IV.C. of the staff report addresses the City of Tigard Comprehensive Plan. The staff report addresses urban planning agreements; urban service provider agreements.

72. The staff report complies with subsection (3).

*(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party, and*

73. The staff report addresses withdrawal of the Bull Mountain Area from the Tigard Water District and certain county service districts.

*(5) The proposed effective date of the decision.*

74. The staff report states the proposed effective date of the decision.

\* \* \* \* \*

*(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:*

75. The City Council's decision includes these findings and conclusions, which address the criteria.

*(1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;*

76. The annexation is consistent with the TUSA, which provides for the City to assume responsibility for those services it is taking over by the annexation. It is also consistent with the IGA with CWS regarding maintenance services for water and sewer.

77. The annexation is being made by means of an annexation plan and is consistent with the plan.

*(2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;*

78. The annexation is consistent with the urban planning agreement with Washington County, which provides for City responsibility for planning.

*(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;*

79. The proposed annexation is consistent with the Tigard Comprehensive Plan and with public facilities plans. It is also consistent with applicable sections of the Community Development Code that implement the comprehensive plan.

*(4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;*

80. The area is within the Urban Growth Boundary. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. The regional policies listed in the Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances, but do not apply directly to annexations. The annexation is consistent with the regional policies as implemented by the comprehensive plan and implementing regulations.

*(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;*

81. The annexation proposal provides for an annexation process that provides a timely and orderly provision of public facilities and services. All post-annexation service providers have the ability to provide services to the area. The annexation is consistent with the TUSA provisions for public facilities and services in the Bull Mountain Area.

*(6) The territory lies within the Urban Growth Boundary; and*

82. The entire area to be annexed is within the UGB.

*(7) Consistency with other applicable criteria for the boundary change in question under state and local law.*

83. The annexation is consistent with the Goals, applicable statutes, applicable provisions of the Tigard Comprehensive Plan, and applicable provisions of the Tigard Community Development Code.

THE FOLLOWING SETS OUT APPLICABLE COMPREHENSIVE PLAN POLICIES IN ITALICS, WITH FINDINGS RELATING TO COMPLIANCE AND/OR CONSISTENCY WITH THOSE POLICIES IN REGULAR TYPE:

***Policy 2.1.1:*** *The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.*

84. This City maintains an ongoing citizen involvement program. Notice of the public hearing was mailed to all CIT facilitators, the Washington County CPO coordinator, CPO4B, affected property owners, and surrounding property owners within 500 feet of the Plan Area. Notice of the public hearing was published in two newspapers of general circulation: *The Tigard Times* on July 8<sup>th</sup> and July 15<sup>th</sup>, and the *Oregonian* on July 15<sup>th</sup> and July 22<sup>nd</sup>. Notice of the hearing was posted in the Bull Mountain Area in 13 locations on June 11, 2004.
85. The City established a communications approach prior to finalizing the original proposal, submitting the land-use application and mailing of the public notice. To involve the public prior to the formal land-use process, the City established a Bull Mountain hotline and dedicated E-mail address on September 23, 2003, for comments and questions regarding the Plan. In order to facilitate the public hearing proceedings, inform the public, and aid the public in navigating the process, the Bull Mountain Communications Plan was developed and presented to City Council on April 20, 2004. Council agreed to proceed as outlined in the plan and that Communications Plan has been followed. On May 20, 2004, the Committee for Citizen Involvement met and reviewed the *Bull Mountain Communications Plan* for *The Bull Mountain Annexation Plan* and provided comments to enhance the program.
86. The City Council held a public hearing on July 27, 2004, at which interested persons commented on the proposed annexation. Many previous opportunities for public comment were provided, including a December 2003 public hearing on a previous version of the plan. The Council in deciding whether to annex and how to approach annexation has considered the "White Papers" that were prepared with citizen involvement.
87. The City has acted consistently with policy 2.1.1 in this process.

***2. Policy 10.1.1:*** *Prior to the annexation of land to the City of Tigard,*

- a) *The City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed\* (most intense use allowed by the conditions of approval, the zone or the Comprehensive Plan), and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard. The services are:*

- 1. Water*
- 2. Sewer*
- 3. Drainage*
- 4. Streets*
- 5. Police, and*
- 6. Fire Protection.*

88. This policy requires that there be adequate capacity to serve the annexed parcels if developed to the most intense use allowed, and without significantly reducing the level of services available to the existing City.
89. The City has reviewed these six services, along with additional urban services to be provided to the area.
90. If the annexation is approved, all listed services will be provided throughout the entire expanded city without significant reduction in the level of services provided to developed and undeveloped land within the City of Tigard. Indeed, the levels of service after annexation are expected to be increased in several areas.
91. The proposed annexation complies with Policy 10.1.1. (a).

***Policy 10.1.1. (c) The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.***

92. On annexation, the City of Tigard will provide most urban services within the annexed area. The only urban services that Tigard will not provide are those that the City does not currently provide to its residents. Fire protection services will continue to be provided by Tualatin Valley Fire and Rescue, transit services will continue to be provided by Tri-met, and Clean Water Services will continue to provide some stormwater and sewer services, with Tigard providing other stormwater and sewer services. Recreation services will be provided by private entities, as is currently the situation in the City of Tigard. Provision of parks by the City as planned will allow recreation services to be provided.
93. The proposed annexation complies with Policy 10.1.1. (c).

***Policy 10.1.2 Approval of proposed annexations of land by the City shall be based on findings with respect to the following:***

- a) *The annexation eliminates an existing "pocket" or "island" of unincorporated territory.*

94. The annexation will eliminate five islands of unincorporated territory (Map 1, p. 4). Most of the Bull Mountain Area is not a pocket or island. This finding complies with Policy 10.1.2.

*b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City*

95. The annexation will not create an irregular boundary. It will simplify boundary lines and result in more regular boundaries, which will make it easier to determine which properties are within the City.

*c) The Police Department has commented upon the annexation.*

96. The Police Department commented on *The Bull Mountain Annexation Plan*, concluding that it can provide service without significantly reducing services to existing residents.

*d) The land is located within the Tigard Urban Planning Area and is contiguous to the city boundary*

97. The Plan Area is located within the Tigard Urban Planning Area and is contiguous to the city boundary.

*e) The annexation can be accommodated by the services listed in 10.1.1 (A)*

98. All listed services can and will be provided to the area to be annexed. Water, sewer, drainage, streets, police, and fire protection would all be provided upon annexation, and street maintenance for County numbered roads would be initiated 30 days following annexation and completed within one year, with the County providing maintenance in the interim.

99. The proposed annexation complies with Policy 10.1.2.

***Policy 10.1.3*** Upon annexation of land into the City which carries a Washington County Zoning Designation, the City of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the County zoning designation.

100. Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. They therefore carry City zoning designations rather than Washington County designations, so this provision does not apply.

101. The zoning designations will remain unchanged with the City zoning district designations that are currently in place.

THE FOLLOWING SETS OUT APPLICABLE PROVISIONS OF THE TIGARD COMMUNITY DEVELOPMENT CODE IN ITALICS, FOLLOWED BY FINDINGS AS TO THOSE PROVISIONS IN REGULAR TYPE.

***CDC Section 18.320.020: Approval Process and Standards.***



*A. Approval Process. Annexations shall be processed by means of a Type IV procedure, as governed by Chapter 18.390 using standards of approval contained in Subsection B2 below.*

102. The City has processed the annexation by a Type IV procedure.

*B. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:*

*1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and*

103. As detailed in these findings, all services and facilities are available to the area and have sufficient capacity to provide service to the proposed annexation area.

*2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.*

104. As detailed in these findings, including Findings 130 to 136, applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.

*C. Assignment of comprehensive plan and zoning designations. The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.*

105. Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Therefore no changes in the comprehensive plan and zoning designations are required.

#### **Section 18.390.060 Type IV Procedure**

\* \* \* \* \*

**G. Decision-making considerations.** *The . . . decision by the Council shall be based on consideration of the following factors:*

*1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;*

106. The Council considered the statewide land use planning goals and guidelines and the findings addressing the goals and guidelines.

*2. Any federal or state statutes or regulations found applicable;*

107. Applicable state statutes and regulations (the Goals) have been considered by the Council in making its decision. The Council is adopting these findings to demonstrate its consideration of applicable law.

*3. Any applicable METRO regulations;*

108. The Council has considered applicable Metro regulations and made findings that address applicable Metro regulations.

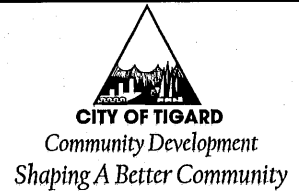
*4. Any applicable comprehensive plan policies;*

109. The Council has considered applicable comprehensive plan policies and made findings that address applicable comprehensive plan policies.

*5. Any applicable provisions of the City's implementing ordinances.*

110. No specific substantive code provisions apply to this decision. The City has considered and complied with applicable procedural provisions.

**STAFF REPORT TO THE  
CITY COUNCIL  
FOR THE CITY OF TIGARD,  
OREGON**



**SECTION I. APPLICATION SUMMARY**

**FILE NAME:** BULL MOUNTAIN ANNEXATION PLAN  
**CASE NOS.:** Zone Change Annexation (ZCA)  
ZCA2003-00003, ZCA2003-00004,  
ZCA2003-00005, ZCA2003-00006

**APPLICANT:** City of Tigard  
13125 SW Hall Blvd.  
Tigard, OR 97223

**OWNER:** Multiple owners. List is  
available for review at Tigard,  
City Hall.

**PROPOSAL:** The applicant (City of Tigard) originally proposed to annex 1,378 acres of Washington County known as Bull Mountain through the annexation plan process. Due to a recent annexation, the applicant is now proposing to annex approximately 1,376 acres of Bull Mountain through the annexation plan process. State law ORS 195.205 allows the City to annex territory within an urban growth boundary (UGB) pursuant to a detailed annexation plan, subject to voter approval. If the Tigard City Council approves *The Bull Mountain Annexation Plan*, it could place the proposal on the November 2, 2004, ballot.

*The Bull Mountain Annexation Plan* proposal states that the City of Tigard can serve the Bull Mountain area without a significant reduction in service to Tigard residents. Due to size, the proposal divides the area into four subareas: East (276.95 acres), South (492.18 acres), North (355.44 acres), and West (251.23). The Plan proposes to annex all areas in July 2005.

**CURRENT ZONING  
DESIGNATION:**

The area includes R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet).

**EQUIVALENT CITY  
ZONING  
DESIGNATION:**

R-4.5 (Low-Density Residential District; minimum lot size 7,500 square feet), R-7 (Medium-Density Residential District; minimum lot size 5,000 square feet), R-12 (Medium-Density Residential District; minimum lot size 3,050 square feet) and R-25 (Medium High-Density Residential District; minimum lot size 1,480 square feet).

**LOCATION:** The unincorporated area is within the UGB. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. For specific boundary, see vicinity map.

**APPLICABLE  
REVIEW**

**CRITERIA:** ORS Chapters 195 and 222; Metro Code Chapter 3.09; Community Development Code Chapter 18, sections 18.320 and 18.390.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Council find that *The Bull Mountain Annexation Plan* proposal meets all the approval criteria as identified in ORS Chapters 195 and 222; Metro Code Chapter 3.09; Community Development Code Chapter 18, sections 18.320 and 18.390 and is consistent with the statewide land use planning goals and relevant provisions of the Comprehensive Plan. Therefore, staff recommends **APPROVAL** of *The Bull Mountain Annexation Plan*.

**SECTION III. BACKGROUND INFORMATION**

Site Boundaries

*The Bull Mountain Annexation Plan* area consists of approximately 1,376 acres. It is generally bounded on the north by Barrows Road, on the east by Tigard City limits, on the south by Beef Bend Road, and on the west partially by 150th Avenue and near Roy Rogers Road. Map 1 on p. 4 of *The Bull Mountain Annexation Plan* denotes the specific boundaries. Due to size, the proposal divides the area into four subareas: East (276.95 acres), South (492.18 acres), North (355.44 acres), and West (251.23). These subarea boundaries were based on development patterns, topography, and major roads.

Case History

The applicant submitted the proposal in October 2003. The Tigard City Council held a public hearing on the proposal (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) on December 2, 2003, and December 16, 2003. The City Council reviewed and discussed the proposal. The Council determined that the proposal meets the approval criteria as identified in ORS195, ORS222, Metro Code Chapter 3.09, and Tigard Community Development Code Chapter 18, but did not adopt findings at that time. The Council determined that additional time was needed to work with Washington County and the public to allow for public discussion and a review of the Annexation Plan's key benefits. On December 16, 2003, the Council adopted a resolution (Appendix A to the Staff Report) that directed staff to hold a public hearing on the proposal (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) in July 2004 and consider placing the plan on the November 2004 ballot, and directed staff to form subcommittees of Washington County representatives, and Bull Mountain and Tigard residents.

The December 16, 2003, resolution addressed three different elements of this Annexation Plan process: the land-use component (hearing in July 2004); the ballot; and the subcommittees (which produced white papers). The applicant's proposal (ZCA2003-00003, ZCA2003-00004, ZCA2003-00005, ZCA2003-00006) and corresponding staff report will address only the land-use component, following the process for land-use decisions. The ballot and subcommittees are outside the scope of this land-use decision.

Site information and proposal description:

State law ORS195.205 allows the City to annex territory within an urban growth boundary pursuant to a detailed annexation plan. *The Bull Mountain Annexation Plan* proposes to annex 1,376 acres, which includes approximately 7,600 residents living in 2,600 homes (2003 data). The Plan Area is

located to the west of Tigard City Limits and within the Urban Growth Boundary. The Plan Area includes development at different densities, but single-family homes predominate.

*The Bull Mountain Annexation Plan* proposes to annex approximately 1,376 acres of land into the City of Tigard with a 2003 assessed value of \$605,504,640 (North: \$193,059,240; East: \$52,016,420; South: \$251,261,770; West: \$109,167,210). The Plan proposes to annex All Areas on July 1, 2005.

Although there are other methods of annexation, the City chose the annexation plan method because it requires the creation of a long-term annexation strategy. The Tigard Urban Service Agreement (TUSA- Appendix D) names the City of Tigard as the ultimate service provider for the Plan Area, for most services. Without annexation, the City has limited ability to plan for, provide for, and manage growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed. The TUSA contains a provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). Lastly, if *The Bull Mountain Annexation Plan* is approved by the Council, ORS195.205 allows both the territory to be annexed and the annexing city to vote on the annexation plan proposal.

#### **SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS**

ORS Chapters 195 and 222; Metro Code Chapter 3.09; Community Development Code Chapter 18, sections 18.320 and 18.390. Consistency with applicable statewide land use planning goals and applicable Comprehensive Plan provisions.

#### **A. STATE LAW PROVISIONS**

##### **1. ORS195.205: Annexation by Provider**

Staff has determined that the proposal is consistent with state law ORS 195.205 based on the following findings:

195.205 Annexation by provider; prerequisites to vote; public hearing.

(1) A city or district that provides an urban service may annex territory under ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335 and 223.304 that:

(a) Is situated within an urban growth boundary; and

The proposed annexation territory addressed in *The Bull Mountain Annexation Plan* lies within the Portland Metropolitan Urban Growth Boundary in its entirety.

(b) Is contained within an annexation plan adopted pursuant to ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335 and 223.304.

The proposed annexation territory is contained in *The Bull Mountain Annexation Plan* (Map 1, p. 4). The Tigard City Council will consider for adoption the land-use application for the proposed *The Bull Mountain Annexation Plan* on July 27, 2004.

(2) A city or district may submit an annexation plan to a vote under subsection (5) of this section only if, prior to the submission of the annexation plan to a vote:

(a) The territory contained in the annexation plan is subject to urban service agreements among all appropriate counties and cities and the providers of urban services within the territory, as required by ORS 195.065 and 195.070, and:

(A) Such urban service agreements were in effect on November 4, 1993; or

(B) They expressly state that they may be relied upon as a prerequisite of the annexation method authorized by ORS 195.020, 195.060 to 195.085, 195.145 to 195.235, 197.005, 197.319, 197.320, 197.335 and 223.304; and

The Tigard Urban Service Agreement (TUSA) was signed in February 2003 (Appendix D of *The Bull Mountain Annexation Plan*). The City of Tigard and Washington County entered into this agreement with the following urban service providers: Clean Water Services, Tigard Water District, TriMet, Tualatin Hills Park and Recreation District, Tualatin Valley Fire and Rescue District, and Tualatin

Valley Water District. The territory contained in *The Bull Mountain Annexation Plan* is subject to the TUSA (Map A of TUSA). The TUSA expressly states that the City may "develop an annexation plan or plans in reliance upon [the TUSA] in accordance with ORS 195.205 to .220" (TUSA, Section I.E., p. 3).

(b) The territory contained in the annexation plan is subject to an agreement between the city and county addressing fiscal impacts, if the annexation is by a city and will cause reductions in the county property tax revenues by operation of section 11b, Article XI of the Oregon Constitution.

*The Bull Mountain Annexation Plan* states that Section 11b, Article XI of the Oregon Constitution (commonly known as Measure 5) limits total non-school property tax rates to no more than \$10 per \$1,000 of assessed valuation (*The Bull Mountain Annexation Plan*, p. 21). If the tax rates of all non-school taxing jurisdictions exceed \$10 per \$1,000, the rates of each district are proportionately reduced to bring the total under the \$10 limit. This process is called compression.

*The Bull Mountain Annexation Plan* contains a map on p. 21 that shows the proposed Bull Mountain annexation area makes up the majority of tax code area 23.78 and 51.78. The government tax rate in both code areas for FY 2003-04 was \$6.0101 per \$1,000. *The Bull Mountain Annexation Plan* calculated that with tax rate adjustments in both codes due to the proposed annexation, the estimated resulting rate will be \$7.1126 per \$1,000. The Plan concluded that this rate is well below the \$10 Measure 5 cap and therefore compression is not likely to occur in the near future (*The Bull Mountain Annexation Plan*, p. 21). The Plan Area would continue to pay County taxes after annexation, as all Tigard areas do.

Therefore, *The Bull Mountain Annexation Plan* proposal demonstrated that the annexation of the proposed territory will not cause reductions in the county property tax revenues (compression). Therefore, no fiscal agreement between the City and the County is required.

(3) Prior to adopting an annexation plan, the governing body of a city or district shall hold a public hearing at which time interested persons may appear and be heard on the question of establishing the annexation plan.

The Tigard City Council will hold a public hearing on July 27, 2004, to consider the proposed *The Bull Mountain Annexation Plan* land-use application for adoption.

(4) The governing body of the city or district shall cause notice of the hearing to be published, once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city or district.

The City of Tigard submitted a notice for the July 27, 2004, public hearing to two newspapers of general circulation in the Tigard and Bull Mountain area. The notice was scheduled to be published on the following dates: July 8<sup>th</sup> and July 15<sup>th</sup> in the *Tigard Times*, and July 15<sup>th</sup> and 22<sup>nd</sup> in *The Oregonian*.

(5) If after the public hearing required under subsection (3) of this section, the governing body of the city or district decides to proceed with the annexation plan, it shall cause the annexation plan to be submitted to the electors of the city or district and to the electors of the territory proposed to be annexed under the annexation plan. The proposed annexation plan may be voted upon at a general election or at a special election to be held for that purpose. [1993 c.804 §13]

If the Tigard City Council approves *The Bull Mountain Annexation Plan* at the July 27, 2004, public hearing, it may choose to place the Plan on the November 2, 2004, ballot.

### **3. ORS 195.220: Annexation plan provisions.**

(1) An annexation plan adopted under ORS 195.205 shall include:

(a) The timing and sequence of annexation.

*The Bull Mountain Annexation Plan* dedicates Section IIC (beginning on p. 13) to examine the timing and sequence of annexation. Based on supporting analysis from the *Public Facilities and Assessment Report (Technical Document B)*, *The Bull Mountain Annexation Plan* proposes that the entire Plan Area be annexed effective July 1, 2005, conditioned on voter approval. The plan proposes 2005 in order to fund future capital improvements.

Except for maintenance of County-numbered roads, Tigard will assume responsibility for sanitary and storm sewer, water, parks and open space, road quality maintenance, street maintenance, building and development services, street light maintenance, police and long-range planning upon annexation. Tualatin Valley Fire and Rescue and TriMet will continue to provide fire protection and mass transit services.

If voters approve the plan, the City will hire additional personnel and obtain additional equipment needed to maintain service standards for Public Works (Streets). Tigard will assume responsibility for County-numbered roads by agreement with the County, with the transfer of jurisdiction over those roads to occur within one year of annexation. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. The City will initiate the 6-month hiring/training process prior to annexation. This schedule demonstrates that the City will maintain existing levels of service within the City and will maintain or improve levels of service within the area to be annexed.

*The Bull Mountain Annexation Plan* proposal complies with ORS195.220.1.a.

(b) Local standards of urban service availability required as a precondition of annexation.

ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit. *The Bull Mountain Annexation Plan* addresses all of these urban services in Table 4 (p. 9) and identifies local standards of urban service availability.

*The Bull Mountain Annexation Plan* concludes in Section II.A. (p. 8) that all services except recreation are available to the Plan Area. Upon annexation, the City of Tigard will be the service provider to the annexed territory for the following services: sanitary and storm sewer, water, parks and open space, road quality maintenance, street maintenance, building and development services, street light maintenance, police and long-range planning. Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same. Neither Washington County nor the City of Tigard provide recreation services.

All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix D). *The Bull Mountain Annexation Plan* identifies two steps needed by the County to meet local standards prior to annexation: improve roads to a pavement condition index of 40 or greater, for an average of 75 or higher; establish parks system development charges (SDCs) for new development prior to annexation.

*The Bull Mountain Annexation Plan* proposal complies with ORS195.220.1.b.

(c) The planned schedule for providing urban services to the annexed territory.

*The Bull Mountain Annexation Plan* is based on supporting analysis from the *Public Facilities and Assessment Report (Technical Document B)*. The assessment report applied City of Tigard service standards to the Bull Mountain subareas to evaluate the City's ability to serve the area upon annexation. It projected start-up costs, needs, and ability to serve the entire Bull Mountain area or individual areas upon annexation. The analysis was based upon current population and housing unit estimates, future service needs at build-out, and service standards.

Based on this analysis, *The Bull Mountain Annexation Plan* concluded that the City of Tigard can serve the entire Bull Mountain area without a significant reduction in service to Tigard residents (Section IIB, p. 12). *The Bull Mountain Annexation Plan* states that those services transferring to Tigard, per the TUSA (Appendix D), would be transferred "upon annexation": building and development services, parks and open spaces (Bull Mountain residents receive resident privileges at City parks), police, sanitary and storm sewer (provided by Tigard effective January 1, 2005), street light maintenance,

road quality maintenance and street maintenance for non-County number roads, and water. This is consistent with the TUSA. Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same.

*The Bull Mountain Annexation Plan* also states that three services would have the following schedules: The City of Tigard will initiate transfer of county-number roads and streets within 30 days of annexation, providing Road Quality and Street Maintenance for county number roads within 1 year. Parks and open space capital project planning would be initiated within the first year, and the Comprehensive Plan update would be initiated within the first year.

To serve the entire area, Public Works will acquire additional staff and equipment prior to the annexation effective date. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. The City will initiate the 6-month hiring/training process prior to annexation.

*The Bull Mountain Annexation Plan* proposal complies with ORS195.220.1.c.

(d) The effects on existing urban services providers.

*The Bull Mountain Annexation Plan* quantified the effect on Washington County's services (Section IID, p. 16). *The Bull Mountain Annexation Plan* calculated how much the Enhanced Sheriff's Patrol District, Urban Road Maintenance District, gas tax, cable franchise fees would lose in revenues, and concluded that Washington County's services or the services of its special districts would not be significantly impacted by the annexation. *The Bull Mountain Annexation Plan* also quantified the effect on the Tigard Water District (TWD), and concluded that the TWD would lose 83% of current accounts and 48.6% of current annual revenue. However, it does not cause the district to dissolve, as it can continue to serve its remaining customers. *The Bull Mountain Annexation Plan* also concluded that other service providers would not be significantly impacted: There would be no effect on Tualatin Valley Fire and Rescue since it already serves the area; and the City is already scheduled to provide sanitary and storm sewer services on January 1, 2005, regardless of annexation; thus, the annexation is anticipated to have no effect on Clean Water Services.

*The Bull Mountain Annexation Plan* proposal complies with ORS195.220.1.d.

(e) The long-term benefits of the annexation plan.

*The Bull Mountain Annexation Plan* lists nine benefits of the Plan in Section IIE, pp. 19-20: certainty, efficiency, making a smooth transition, more capital improvement dollars, urban services by an urban provider, quantifying the costs and benefits, equity, parks and unifying the community.

*The Bull Mountain Annexation Plan* proposal complies with ORS195.220.1.e.

(2) An annexation plan shall be consistent with all applicable comprehensive plans. [1993 c.804 §16; 1997 c.541 §341]

*The Bull Mountain Annexation Plan* is consistent with the relevant policies of the Comprehensive Plan as shown in Section IV.C. of this report.

**1. ORS Chapter 222: City Boundary Changes; Mergers; Consolidations; Withdrawals.**

This chapter applies to some annexation decisions. However, the City has selected an annexation method that is allowed by ORS 195. ORS 195.235 states that the method of annexing territory to cities or districts set forth in ORS 195.205 to 195.225 is in addition to, and does not affect or prohibit, other methods of annexation authorized by law. [1993 c.804 §18]195.235]. ORS Chapter 222 is not applicable to annexations under ORS Chapter 195.



## **B. METRO CODE STANDARDS**

Metro 3.09 requires additional standards to be addressed in annexation decisions, in addition to the local and state review standards. These are addressed and satisfied as discussed below:

**1. Metro Code 3.09.040 (a):** A petition for a boundary change shall be deemed complete

if it includes the following information: (1) The jurisdiction of the approving entity to act on the petition; (2) A narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Chief Operating Officer; (3) For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; (4) A listing of the present providers of urban services to the affected territory; (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change; (6) The current tax assessed value of the affected territory; and (7) Any other information required by state or local law.

The City's land-use application for *The Bull Mountain Annexation Plan* includes all of the information required by Metro Code 3.09.040 (a) and has been deemed complete.

**2. Metro Code 3.09.050 (b)**

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

This report addresses Metro Code 3.09.50 (b) criteria. The report is available 15 days before the hearing (July 12, 2004, for a July 27, 2004, hearing).

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

Tigard's Comprehensive Plan policies require a review to determine that adequate capacity will be available to serve the parcels and will not significantly reduce the level of services available to the City of Tigard for the following services: sewer, water, drainage, fire protection, streets, and police. Based on the City's Comprehensive Plan requirements, *The Bull Mountain Annexation Plan* considers police, and sanitary and storm sewer services as urban services and addresses their provision. The Plan also addresses building and development services, and street light maintenance. Building and development services are included because of an existing County-City intergovernmental agreement which would be affected by annexation. Street light maintenance and long-range planning have been included because annexation would change service providers.

*The Bull Mountain Annexation Plan* addresses all of these urban services in Table 4 (p. 9) and identifies local standards of urban service availability. *The Bull Mountain Annexation Plan* concludes in Section II.A. (p. 8) that all services except recreation are available to the Plan Area. Upon annexation, the City of Tigard will be the service provider to the annexed territory for the following services: sanitary and storm sewer, water, parks and open space, road quality maintenance, street maintenance, building and development services, street light maintenance, police and long-range planning. Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same. Neither Washington County nor the City of Tigard provide recreation services.

All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix D). *The Bull Mountain Annexation Plan* identifies two steps needed by the County to meet local standards prior to annexation: improve roads to a pavement condition index of 40 or greater, for an average of 75 or higher; establish parks system development charges (SDCs) for new development prior to annexation.

If voters approve the plan, the City will hire additional personnel and obtain additional equipment needed to maintain service standards for Public Works (Streets). Tigard will assume responsibility for

County-numbered roads by agreement with the County, with the transfer of jurisdiction over those roads to occur within one year of annexation. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. This schedule demonstrates that the City will maintain existing levels of service within the City and will maintain or improve levels of service within the area to be annexed.

*The Bull Mountain Annexation Plan* proposal including the plan and this report complies with Metro Code 3.09.050 (b)1.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

*The Bull Mountain Annexation Plan* proposal complies with the Tigard Urban Service Agreement (TUSA- Appendix D). The TUSA names the City of Tigard as the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. *The Bull Mountain Annexation Plan* follows the TUSA terms for road transfer, initiating the transfer of County numbered roads 30 days following annexation and completing the process within one year (road inventory is Plan Appendix F). *The Bull Mountain Annexation Plan* also complies with the provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). All parties to the TUSA were notified of *The Bull Mountain Annexation Plan* proposal 45 days prior to the public hearing date.

*The Bull Mountain Annexation Plan* proposal including the plan and this report complies with Metro Code 3.09.050 (b) 2.

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

The area is within the Urban Growth Boundary; therefore, regional plans and goals currently apply to this area. The Annexation Plan Area is currently under the jurisdiction of Washington County, and is subject to the County's Comprehensive Plan policies. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. The regional policies listed in the Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances, but do not apply directly to annexations. Section IV.C. of this staff report also addresses state planning goals.

Section IV.C. of this report addresses the City of Tigard Comprehensive Plan. For the basis of its analysis, *The Bull Mountain Annexation Plan* used the *Public Facilities and Assessment Report (Technical Document B)*.

Section 3.09.050 (b) 2, above, addresses urban planning agreements; the Tigard Urban Service Agreement (Appendix D) applies to the proposed annexation Plan Area.

*The Bull Mountain Annexation Plan* proposal including the plan and this report complies with Metro Code 3.09.050 (b) 3.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party;

The area remains within Washington County; however, implementation of *The Bull Mountain Annexation Plan* proposal would require the Plan Area territory to be withdrawn from the Tigard Water District. *The Bull Mountain Annexation Plan* proposal including the plan and this report complies with Metro Code 3.09.050 (b) 4.

and (5) The proposed effective date of the decision.

The public hearing will take place on July 27, 2004. If the Council adopts findings to approve *The Bull Mountain Annexation Plan*, the effective date of the annexation will be July 1, 2005. *The Bull Mountain Annexation Plan* proposal including the plan and this report complies with Metro Code 3.09.050 (b) 5.

### **3. Metro Code 3.09.050 (d)**

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

The City Council's decision will include findings and conclusions, and may include the following, which are recommended by staff:

(1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065:

The previous sections of this report showed that the proposal is consistent with the Tigard Urban Service Agreement. The proposed annexation area is the same as *The Bull Mountain Annexation Plan* area.

(2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party:

*The Bull Mountain Annexation Plan* proposal complies with the Tigard Urban Service Agreement (TUSA- Appendix D). The TUSA names the City of Tigard as the ultimate service provider for the Plan Area, except for services provided by special districts and agencies. *The Bull Mountain Annexation Plan* follows the terms for transferring County numbered roads, initiating the transfer 30 days following annexation and completing the process within one year. *The Bull Mountain Annexation Plan* also complies with the provision that the City shall endeavor to annex the Bull Mountain area in the near to mid-term (3 to 5 years). All parties to the agreement were notified of *The Bull Mountain Annexation Plan* proposal 45 days prior to the public hearing date.

(3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans:

Section IV.C. of this report shows that *The Bull Mountain Annexation Plan* proposal is consistent with the Tigard Comprehensive Plan and applicable sections of the Community Development Code. For the basis of its analysis, *The Bull Mountain Annexation Plan* used the *Public Facilities and Assessment Report (Technical Document B)*. The report examined public facility plans for the Bull Mountain area to determine future capital improvement needs and their costs.

(4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan:

The area is within the Urban Growth Boundary; therefore, regional plans and goals currently apply to this area. The annexation Plan Area is currently under the jurisdiction of Washington County, and is subject to the County's Comprehensive Plan policies. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. The regional policies listed in the Functional Plan recommend and require changes to city and county comprehensive plans and implementing ordinances, but do not apply directly to annexations.

(5) Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services:

*The Bull Mountain Annexation Plan* proposal provides a phased annexation approach to provide a timely and orderly provision of public facilities and services without significantly reducing service standards to existing residents or causing a disruption in service provision. All providers have the ability to provide services to the area. This is consistent with the TUSA provisions for public facilities and services in the Plan Area.

(6) The territory lies within the Urban Growth Boundary; and  
The entire proposed annexation territory area is already within the Portland Metro UGB.

(7) Consistency with other applicable criteria for the boundary change in question under state and local law.  
This staff report finds that *The Bull Mountain Annexation Plan* proposal is consistent with ORS 195.205 and 195.220, the statewide land use planning goals, the Tigard Community Development Code, and the Tigard Comprehensive Plan. The Oregon Dept. of Revenue has verified the boundary dimensions of the proposed annexation area.

### **C. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18) POLICIES**

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

#### **1. Section 18.320.020: Approval Process and Standards.**

A. Approval Process. Annexations shall be processed by means of a Type IV procedure, as governed by Chapter 18.390 using standards of approval contained in Subsection B2 below.

*The Bull Mountain Annexation Plan* application is being processed as a Type IV procedure.

B. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and

Section A.3 of this report concluded that *The Bull Mountain Annexation Plan* proposal shows that all services and facilities are available to the area and have sufficient capacity to provide service to the proposed annexation area.

2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.

Section IV.C. on p. 22 demonstrates how all applicable Comprehensive Plan policies have been satisfied by the City.

C. Assignment of comprehensive plan and zoning designations. The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

D. Conversion table. Table 320.1 summarizes the conversion of the County's plan and zoning designations to City designations which are most similar.

Washington County has already adopted the City's zoning designations and the City will maintain these designations.

## **2. Section 18.390.060 Type IV Procedure**

Section 18.390.060 includes the decision-making considerations in a Type IV procedure (Section G). This report will address each of the five considerations in **Section G: Decision-Making Considerations**.

**G. Decision-making considerations.** *The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:*

*1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;*

### **GOAL 1: CITIZEN INVOLVEMENT**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

*The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.*

*The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues. Federal, state and regional agencies, and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.*

#### **Response:**

The City's existing Comprehensive Plan and implementing regulations are in compliance with Goal 1 by providing a comprehensive public process for development and application of all land use regulations. *The Bull Mountain Annexation Plan* does not alter those provisions and the City's regulations therefore remain in compliance with Goal 1.

In regard to *the Bull Mountain Annexation Plan* specifically, the City established opportunities for public involvement. The City established a communications plan prior to finalizing the original proposal, submitting the land-use application and mailing of the public notice. To involve the public prior to the formal land-use process, the City established a Bull Mountain hotline and dedicated E-mail address on September 23, 2003, for comments and questions regarding the Plan.

This policy requires an ongoing citizen involvement program. On May 20, 2004, the Committee for Citizen Involvement met and reviewed the communications plan for *The Bull Mountain Annexation Plan* and provided comments to enhance the program.

Notice of the public hearing was mailed to all CIT facilitators, the Washington County CPO coordinator, affected property owners, and surrounding property owners within 500 feet of the Plan Area. Notice of the public hearing was scheduled to be published in two newspapers of general circulation: *The Tigard Times* on July 8<sup>th</sup> and July 15<sup>th</sup>, and the *Oregonian* on July 15<sup>th</sup> and July 22<sup>nd</sup>. The Plan Area was posted in 13 locations on June 11, 2004.

There also will be a public hearing during the Type IV processing of this application and petition. The proposed annexation, including the process, is consistent with Goal 1.

### **GOAL 2: LAND USE PLANNING**

#### **PART I -- PLANNING**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

*City, county, state and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268. All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The required information shall be contained in the plan document or in supporting documents. The plans, supporting documents and implementation ordinances shall be filed in a public office or other place easily accessible to the public. The plans shall be the basis for specific implementation measures. These measures shall be consistent with and adequate to carry out the plans. Each plan and related implementation measure shall be coordinated with the plans of affected governmental units.*

*All land-use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances.*

Response:

The City is currently in compliance with Goal 2 because it has an acknowledged Comprehensive Plan and regulations implementing the Plan. *The Bull Mountain Annexation Plan* is being processed consistently with the planning policies in the Comprehensive Plan. The proposed annexation and process is consistent with Goal 2.

GOAL 3: AGRICULTURAL LANDS

*To preserve and maintain agricultural lands.*

Response:

The territory to be annexed does not include designated agricultural land, so this goal does not apply.

GOAL 4: FOREST LANDS

*To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Response:

The territory to be annexed does not include any designated forest lands, so this goal does not apply.

## GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

*To protect natural resources and conserve scenic and historic areas and open spaces.*

*Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contribute to Oregon's livability. The following resources shall be inventoried:*

- a. Riparian corridors, including water and riparian areas and fish habitat;*
- b. Wetlands;*
- c. Wildlife Habitat;*
- d. Federal Wild and Scenic Rivers;*
- e. State Scenic Waterways;*
- f. Groundwater Resources;*
- g. Approved Oregon Recreation Trails;*
- h. Natural Areas;*
- i. Wilderness Areas;*
- j. Mineral and Aggregate Resources;*
- k. Energy sources;*
- l. Cultural areas.*

*Local governments and state agencies are encouraged to maintain current inventories of the following resources:*

- a. Historic Resources;*
- b. Open Space;*
- c. Scenic Views and Sites.*

*Following procedures, standards, and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.*

### Response:

This Goal does not directly apply to annexations. The City is already in compliance with Goal 5 as to all required inventories. However, the City has been working with Metro, Washington County and other partners to identify regionally significant riparian and wildlife resources both in the City and on Bull Mountain, and to develop a program to enhance and protect those resources. *The Bull Mountain Annexation Plan* includes open space projects such as the Cache Creek Nature Park. (See *Annexation Plan*, Table 4, p. 9.). As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal.

The proposed annexation will allow Goal 5 to continue to be complied with within the proposed annexation area.

## GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

*To maintain and improve the quality of the air, water and land resources of the state.*

*All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed*

*the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.*

Response:

This Goal does not directly apply to annexations. The City's Comprehensive Plan has been acknowledged as being in compliance with Goal 6. Any development proposed after annexation would have to be approved under the City's implementing regulations. The proposed annexation would allow Goal 6 to continue to be complied with within the proposed annexation area.

GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

*To protect life and property from natural disasters and hazards.*

**A. NATURAL HAZARD PLANNING**

*1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.*

*2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.*

**B. RESPONSE TO NEW HAZARD INFORMATION**

*1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.*

*2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.*

*3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.*

**C. IMPLEMENTATION**

*Upon receiving notice from the Department, a local government shall:*

*1. Evaluate the risk to people and property based on the new inventory information and an assessment of:*

- a. the frequency, severity and location of the hazard;*
- b. the effects of the hazard on existing and future development;*
- c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and*
- d. the types and intensities of land uses to be allowed in the hazard area.*

*2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.*

*3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:*

- a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and*



*b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1)(a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.*

*4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.*

#### **D. COORDINATION**

*1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.*

*2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.*

#### **Response:**

This Goal does not directly apply to annexations. The City's Comprehensive Plan is acknowledged to be in compliance with this Goal. The proposed annexation is consistent with Comprehensive Plan policies. Any development in the annexation Plan Area must follow the City's acknowledged implementing regulations relating to natural hazards. As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal. The proposed annexation would allow Goal 7 to continue to be complied with within the proposed annexation area.

#### **GOAL 8: RECREATIONAL NEEDS**

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

#### **RECREATION PLANNING**

*The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.*

#### **DESTINATION RESORT SITING**

*Comprehensive plans may provide for the siting of destination resorts on rural lands subject to the provisions of the Goal and without a Goal 2 exception to Goals 3, 4, 11, or 14.*

#### **Response:**

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 8, and the proposed annexation is consistent with the

Comprehensive Plan. The proposed *Bull Mountain Annexation Plan* includes Parks and Open Space planning, which would be initiated within the first year as part of the Comprehensive Plan update. (See *Annexation Plan*, Table 4, p. 9.) The City's Comprehensive Plan update would address recreational needs. The proposed annexation would allow Goal 8 to continued to be complied with within the annexation area.

The Destination Resort provisions of this Goal are not applicable.

#### GOAL 9: ECONOMIC DEVELOPMENT

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

*Comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. Such plans shall be based on inventories of areas suitable for increased economic growth and activity after taking into consideration the health of the current economic base; materials and energy availability and cost; labor market factors; educational and technical training programs; availability of key public facilities; necessary support facilities; current market forces; location relative to markets; availability of renewable and non-renewable resources; availability of land; and pollution control requirements. Comprehensive plans for urban areas shall:*

- 1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;*
- 2. Contain policies concerning the economic development opportunities in the community;*
- 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;*
- 4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses. In accordance with ORS 197.180 and Goal 2, state agencies that issue permits affecting land use shall identify in their coordination programs how they will coordinate permit issuance with other state agencies, cities and counties.*

#### Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 9, and the annexation is consistent with Comprehensive Plan policies. As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal. The proposed annexation would allow Goal 9 to continued to be complied with within the annexation area.

#### GOAL 10: HOUSING

*To provide for the housing needs of citizens of the state.*

*Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 10, and the proposed annexation is consistent with Comprehensive Plan. The proposed annexation would bring 1,376 acres of residential land and approximately 2,600 homes into the City. The Plan Area includes a diversity of residential zoning, from R-4.5 to R-25, offering housing at different densities. Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

As part of the City's Comprehensive Plan update process, the City would update the existing Comprehensive Plan and address this goal. The proposed annexation would allow Goal 8 to continued to be complied with within the annexation area.

GOAL 11: PUBLIC FACILITIES AND SERVICES

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

*Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. Counties shall develop and adopt community public facility plans regulating facilities and services for certain unincorporated communities outside urban growth boundaries as specified by Commission rules. Counties Local Governments shall not allow the establishment or extension of new sewer systems outside urban growth boundaries or unincorporated community boundaries, or allow new extensions of sewer lines from within urban growth boundaries or unincorporated community boundaries to serve land outside those boundaries, except where the new or extended system is the only practicable alternative to mitigate a public health hazard and will not adversely affect farm or forest land.*

*For land that is outside urban growth boundaries and unincorporated community boundaries, county land use regulations shall not rely upon the establishment or extension of a water system to authorize a higher residential density than would be authorized without a water system.*

*Local governments shall not rely upon the presence, establishment, or extension of a water or sewer system to allow residential development of land outside urban growth boundaries or unincorporated community boundaries at a density higher than authorized without service from such a system.*

*In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.*

Response:

The Tigard Comprehensive Plan has been acknowledged to be consistent with Goal 11, and the proposed annexation is consistent with the Comprehensive Plan (see Section IV.C.).

ORS195 defines urban services as sanitary sewers, water, fire protection, parks, open space, recreation, streets, roads and mass transit.

Tigard's Comprehensive Plan policies require a review to determine that adequate capacity will be available to serve the parcels and will not significantly reduce the level of services available to the City of Tigard for the following services: sewer, water, drainage, fire protection, streets, and police. Based on the City's Comprehensive Plan requirements, *The Bull Mountain Annexation Plan* considers police, and sanitary and storm sewer services as urban services and addresses their provision. The Plan also addresses building and development services, and street light maintenance. Building and development services are included because of an existing County-City intergovernmental agreement which would be affected by annexation. Street light maintenance and long-range planning have been included because annexation would change service providers.

*The Bull Mountain Annexation Plan* addresses all of these urban services in Table 4 (p. 9) and identifies local standards of urban service availability. *The Bull Mountain Annexation Plan* concludes in Section II.A. (p. 8) that all services except recreation are available to the Plan Area. Upon annexation, the City of Tigard will be the service provider to the annexed territory for the following services: sanitary and storm sewer, water, parks and open space, road quality maintenance, street maintenance, building and development services, street light maintenance, police and long-range planning. Tualatin Valley Fire and Rescue will continue as the fire protection and emergency service provider, TriMet will continue as the mass transit provider, and school district boundaries will remain the same. Neither Washington County nor the City of Tigard provide recreation services.

All urban services providers are established, per the Tigard Urban Service Agreement (TUSA, Appendix D). *The Bull Mountain Annexation Plan* identifies two steps needed by the County to meet local standards prior to annexation: improve roads to a pavement condition index of 40 or greater, for an average of 75 or higher; establish parks system development charges (SDCs) for new development prior to annexation.

If voters approve the annexation plan, the City will hire additional personnel and obtain additional equipment needed to maintain service standards for Public Works (Streets). Tigard will assume responsibility for County-numbered roads by agreement with the County, with the transfer of jurisdiction over those roads to occur within one year of annexation. Police can serve the area without a significant reduction in service, due to internal adjustments until additional police officers can be hired. This schedule demonstrates that the City will maintain existing levels of service within the City and will maintain or improve levels of service within the area to be annexed.

The City and other service providers who would continue to provide services after annexation have the capacity to provide services in the proposed annexation area, assuring a timely, orderly and efficient arrangement of public facilities and services. Those services would serve as a framework for urban development of Bull Mountain. The proposed annexation is consistent with Goal 11.

#### GOAL 12: TRANSPORTATION

*To provide and encourage a safe, convenient and economic transportation system.*

*A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional*

*comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.*

Response:

This Goal does not directly apply to annexations. Under the Annexation Plan, the City would accept responsibility for the Bull Mountain area's streets and roads, with the transfer from County jurisdiction complete within one year of the annexation. (See Annexation Plan, p.11.)

The Comprehensive Plan has been acknowledged to be consistent with Goal 12, and the proposed annexation is consistent with the Comprehensive Plan. The proposed annexation would allow Goal 12 to continued to be complied with within the annexation area.

GOAL 13: ENERGY CONSERVATION

*To conserve energy.*

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

Response:

This Goal does not directly apply to annexations. The Comprehensive Plan has been acknowledged to be consistent with Goal 13, and the proposed annexation is consistent with the Comprehensive Plan. Any development in the annexation area must satisfy the City's implementing regulations. As part of the City's Comprehensive Plan update process, which would be initiated after annexation, the City would update the existing Comprehensive Plan and address this goal. The proposed annexation would allow Goal 13 to continued to be complied with within the annexation area.

GOAL 14: URBANIZATION

*To provide for an orderly and efficient transition from rural to urban land use.*

*Urban growth boundaries shall be established to identify and separate urbanizable land from rural land. Establishment and change of the boundaries shall be based upon considerations of the following factors:*

- (1) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;*
- (2) Need for housing, employment opportunities, and livability;*
- (3) Orderly and economic provision for public facilities and services;*
- (4) Maximum efficiency of land uses within and on the fringe of the existing urban area;*
- (5) Environmental, energy, economic and social consequences;*
- (6) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and,*
- (7) Compatibility of the proposed urban uses with nearby agricultural activities.*

*The results of the above considerations shall be included in the comprehensive plan. In the case of a change of a boundary, a governing body proposing such change in the boundary separating urbanizable lands from rural land, shall follow the procedures and requirements as set forth in the Land Use Planning goal (Goal 2) for goal exceptions. Any urban growth boundary established prior to January 1, 1975, which includes rural lands that have not been built upon shall be reviewed by the governing body, utilizing the same factors applicable to the establishment or change of urban growth boundaries. Establishment and change of the boundaries shall be a cooperative process between a city and the county or counties that surround it. Land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses. Conversion of urbanizable land to urban uses shall be based on consideration of:*

- (1) Orderly, economic provision for public facilities and services;*
- (2) Availability of sufficient land for the various uses to insure choices in the market place;*
- (3) LCDC goals or the acknowledged comprehensive plan; and,*
- (4) Encouragement of development within urban areas before conversion of urbanizable areas. In unincorporated communities outside urban growth boundaries counties may approve uses, public facilities and services more intensive than allowed on rural lands by Goal 11 and 14, either by exception to those goals, or as provided by Commission rules which ensure such uses do not:*
  - (1) adversely affect agricultural and forest operations, and*
  - (2) interfere with the efficient functioning of urban growth boundaries.*

*Notwithstanding the other provisions of this goal, the commission may by rule provide that this goal does not prohibit the development and use of one single-family dwelling on a lot or parcel that:*

- (a) was lawfully created;*
- (b) lies outside any acknowledged urban growth boundary or unincorporated community boundary;*
- (c) is within an area for which an exception to Statewide Planning Goal 3 or 4 has been acknowledged; and*
- (d) is planned and zoned primarily for residential use.*

Response:

The Comprehensive Plan has been acknowledged to be consistent with Goal 14, and the annexation is consistent with the Comprehensive Plan (see Section IV.C).

The proposed annexation into the City is an important step in the orderly and efficient transition from rural to urban land use in the Bull Mountain area. State land-use planning goals require the UGB to contain a 20-year supply of land, and, when conditions warrant, lands within the boundary must be available for urban uses. Washington County and Bull Mountain residents developed the 1983 Bull Mountain Community Plan, which assigned urban densities to the area but did not provide for all urban services. However, Goal 14 directs local governments to have a plan in place to allow for an orderly and efficient transition from rural to urban uses. In 1983, the County and City signed the Urban Planning Area Agreement (UPAA). The UPAA established Bull Mountain as part of the City's planning area.

Over the last 20 years, the area has become urbanized with streets, sidewalks, and urban service needs. (See Annexation Plan Introduction, p. 1.) The territory to be annexed is entirely inside the UGB. (See Map 1, Annexation Plan, p. 4.) The City and other service providers who would continue to provide services after annexation have the capacity to provide services in the proposed annexation area, based on the Tigard Urban Service Agreement (TUSA) (See Appendix D to the

Annexation Plan.) The TUSA provides a plan for public services and facilities for the Bull Mountain area.

There are approximately 7,600 residents living in 2,600 homes on the mountain's 1,376 unincorporated acres (2003 estimates). Development of the remaining land would raise the overall population to just under 10,000. This additional growth would require additional facilities and services. Without annexation, the City has limited ability to plan for, provide for, and manage growth outside its City limits to ensure that efficient and effective public facilities and services are available when needed, as it cannot do comprehensive planning outside its City limits.

State law created the annexation plan process as a growth management tool for jurisdictions: the plan must address criteria related to urban service provision to the Plan Area, and is a pre-requisite for an annexation vote by the annexing city and Plan Area. Using existing service agreements among agencies, cost-benefit analyses, and the 2003 *Public Facilities and Services Assessment Report*, the Plan addresses all criteria set forth by state law ORS195: the provision (how and when) of urban services, annexation's impact on existing providers, the timing and sequence of annexation, and the Plan's long-term benefits. The Plan also follows Tigard Comprehensive Plan policies, which require a review to determine that services can be provided to the annexed area and their provision would not significantly reduce service levels to the City of Tigard. Based on these criteria and previous research, the Plan provides a proposal for extending urban services and transferring households to Tigard in an organized and efficient manner. *The Bull Mountain Annexation Plan* would complete the last phase in the Goal 14 urbanization process by providing urban services to areas built at urban densities.

The proposed annexation is consistent with Goal 14.

#### GOAL 15: WILLAMETTE RIVER GREENWAY

*To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

#### Response:

This Goal is not applicable to this proposed annexation because the area being annexed is not within the Willamette River Greenway area.

#### GOAL 16: ESTUARINE RESOURCES

*To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.*

#### Response:

This Goal is not applicable to this proposed annexation because the area to be annexed is not in or near an estuary.

#### GOAL 17: COASTAL SHORELANDS

*To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the*

*adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.*

Response:

This Goal is not applicable to this proposed annexation because the area to be annexed is not in or near a coastal shoreland.

GOAL 18: BEACHES AND DUNES

*To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

Response:

This Goal is not applicable to this proposed annexation because the area being annexed is not within a coastal beach or dune area.

GOAL 19: OCEAN RESOURCES

*To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.*

Response:

This Goal is not applicable to this proposed annexation because it is not in or near the ocean.

2. Section 18.390.060 Type IV Procedure

G. Decision-making considerations.

2. Any federal or state statutes or regulations found applicable;

The Bull Mountain Annexation Plan complies with ORS 195.205 and .220, as detailed in Section IV.A of this report. No federal statutes apply to annexations.

2. Section 18.390.060 Type IV Procedure

G. Decision-making considerations.

3. Any applicable METRO regulations;

The Bull Mountain Annexation Plan complies with Metro Code Chapter 3.09, as detailed in Section IV.B of this report.

2. Section 18.390.060 Type IV Procedure

G. Decision-making considerations.

4. Any applicable comprehensive plan policies;

1. Policy 2.1.1: The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

This City maintains an ongoing citizen involvement program. Notice of the public hearing was mailed to all CIT facilitators, the Washington County CPO coordinator, CPO4B, affected property owners, and surrounding property owners within 500 feet of the Plan Area. Notice of the public hearing was scheduled to be published in two newspapers of general circulation: The Tigard Times on July 8<sup>th</sup> and July 15<sup>th</sup>, and the Oregonian on July 15<sup>th</sup> and July 22<sup>nd</sup>. The Plan Area was posted in 13 locations on June 11, 2004.



The City established a communications approach prior to finalizing the original proposal, submitting the land-use application and mailing of the public notice. To involve the public prior to the formal land-use process, the City established a Bull Mountain hotline and dedicated E-mail address on September 23, 2003, for comments and questions regarding the Plan. In order to facilitate the public hearing proceedings, inform the public, and aid the public in navigating the process, the *Bull Mountain Communications Plan* was developed and presented to City Council on April 20, 2004. Council agreed to proceed as outlined in the plan.

On May 20, 2004, the Committee for Citizen Involvement met and reviewed the *Bull Mountain Communications Plan* for *The Bull Mountain Annexation Plan* and provided comments to enhance the program.

*The Bull Mountain Annexation Plan* complies with policy 2.1.1.

**2. Policy 10.1.1: Prior to the annexation of land to the City of Tigard.**

- a) The City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed\* (most intense use allowed by the conditions of approval, the zone or the Comprehensive Plan), and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard. The services are:
1. Water
  2. Sewer
  3. Drainage
  4. Streets
  5. Police, and
  6. Fire Protection.

This policy requires that there is adequate capacity to serve the annexed parcels if developed to the most intense use allowed, and without significantly reducing the level of services available to the existing City.

*The Bull Mountain Annexation Plan* proposal addresses all six services above. The City has reviewed these six services, along with additional urban services to be provided to the area (*The Bull Mountain Annexation Plan*, Table 4, p. 9). Currently, all urban services are available to the Plan Area except for parks and recreation. Upon annexation, *The Bull Mountain Annexation Plan* proposal states that all urban services – including parks and open space – would continue to be available to the Plan Area, per the Tigard Urban Service Agreement (TUSA-2003) with all providers.

If the annexation is approved, all listed services will be provided throughout the entire expanded city without significant reduction in the level of services provided to developed and undeveloped land within the City of Tigard.

All current and future service providers for this area received notice of *The Bull Mountain Annexation Plan* proposal, as well as parties to the Tigard Urban Service Agreement, which includes the City of Tigard Police, Engineering, Public Works and Water Departments, Tigard Water District, Metro Area Communications, NW Natural Gas, AT&T Cable, TriMet, PGE, Verizon, Qwest, Comcast Cable, the Beaverton School District, the Tigard-Tualatin School District, Tualatin Valley Water District, Tualatin Hills Park and Recreation District, Clean Water Services, and Tualatin Valley Fire and Rescue. None of the providers offered objections or indicated that there would be a lack of service capacity for this proposal.

*The Bull Mountain Annexation Plan* complies with Policy 10.1.1. (a).

**3. Policy 10.1.1 (b):**

If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following:

1. The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: a) Water, b) sewer, c) drainage, and d) streets.
2. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

This criterion does not apply: No capital improvements program requires a nonremonstrance agreement under these circumstances.

**4. Policy 10.1.1. (c)**

The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.

Under *The Bull Mountain Annexation Plan* proposal, the City would provide urban services to the Plan Area upon annexation. This is consistent with the Tigard Urban Service Agreement (TUSA-2003, Appendix D). All services would be provided upon annexation, and the majority would be provided immediately. The proposal states that the City would initiate transfer of County numbered roads and streets within 30 days of annexation, completing the transfer within one year of the effective annexation date. Following annexation, Tigard would initiate capital project planning for Parks and Open Space for the Plan Area. The planning would take place as part of the City's Comprehensive Plan update process, which would be initiated after annexation.

*The Bull Mountain Annexation Plan* complies with Policy 10.1.1. (c).

**5. Policy 10.1.2 Approval of proposed annexations of land by the City shall be based on findings with respect to the following:**

a) The annexation eliminates an existing "pocket" or "island" of unincorporated territory.

The City's map shows that the annexation of the north subarea would eliminate five islands of unincorporated territory (Map 1, p. 4). *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (a).

b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City

If the annexation is approved, it will not create an irregular boundary and will simplify boundary lines and result in more regular boundaries, which will make it easier to determine which properties are within the City. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (b).

c) The Police Department has commented upon the annexation.

The Police Department commented on *The Bull Mountain Annexation Plan*, concluding that it can provide service without significantly reducing services to existing residents. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (c).

d) The land is located within the Tigard Urban Planning Area and is contiguous to the city boundary

The Plan Area is located within the Tigard Urban Service Area, per *The Bull Mountain Annexation Plan* and verified by the Tigard Urban Service Agreement (TUSA-Appendix D, Map A). The Plan Area is contiguous to the City limits. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (d).

e) The annexation can be accommodated by the services listed in 10.1.1 (A)

The *Bull Mountain Annexation Plan* states that all urban services could and would be provided to the Plan Area, per the Tigard Urban Service Agreement (TUSA-2003). Water, sewer, drainage, streets, police, and fire protection would all be provided upon annexation, and street maintenance for County numbered roads would be initiated 30 days following annexation and completed within one year, with Washington County to continue to provide maintenance in the interim. *The Bull Mountain Annexation Plan* complies with Policy 10.1.2. (e).

*The Bull Mountain Annexation Plan* proposal complies with Policy 10.1.2.

6. Policy 10.1.3 Upon annexation of land into the City which carries a Washington County Zoning Designation, the City of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the County zoning designation.

Washington County previously adopted City of Tigard Comprehensive Plan and zoning designations for the area. Because the proposed annexation territory is in the Urban Services Area, the equivalent zoning has already been attached to the property, therefore, the property does not need to be rezoned upon annexation. Therefore no changes are required in the comprehensive plan and zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

*The Bull Mountain Annexation Plan* proposal complies with Policy 10.1.3.

## **2. Section 18.390.060 Type IV Procedure**

### **G. Decision-making considerations.**

5. Any applicable provisions of the City's implementing ordinances.

There are no specific implementing ordinances that apply to *The Bull Mountain Annexation Plan*.

## **SECTION V. OTHER STAFF COMMENTS**

The City of Tigard Engineering, Building, Police Department, Tualatin Valley Fire and Rescue, Public Works, and the Water Department have all received this proposal and have offered no objections to the annexation proposal.

## **SECTION VI. AGENCY COMMENTS**

Metro Area Communications, NW Natural Gas, AT&T Cable, Tri-Met, PGE, Verizon, Qwest, Comcast Cable, the Beaverton School District, the Tigard Tualatin School District, Tualatin Valley Water District, Tualatin Hills Park and Recreation District, Clean Water Services, and the Tualatin Valley Fire and Rescue all received the annexation request and did not object to the proposal. The Tigard-Tualatin School District emphasized that the annexation proposal would not affect school district boundaries. The Department of Environmental Quality commented that it recommends that agricultural lands being converted to residential or commercial uses be evaluated for pesticides prior to conversion, if it is suspected they have residuals. This is not applicable to this annexation, as the plan area is already part of the urban planning area and has already been converted to residential use.

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**BASED ON THE FINDINGS INDICATED ABOVE, PLANNING STAFF RECOMMENDS APPROVAL OF ZONE CHANGE ANNEXATION (ZCA) 2003-00003, 2003-00004, 2003-00005, 2003-00006 – BULL MOUNTAIN ANNEXATION PLAN.**

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Beth St. Amand  
PREPARED BY: Beth St. Amand  
Associate Planner

July 11, 2004  
DATE

Barbara Shields  
APPROVED BY: Barbara Shields  
Long-Range Planning Manager

July 11, 2004  
DATE

CITY OF TIGARD, OREGON

RESOLUTION NO. 03- 666

A RESOLUTION DIRECTING STAFF TO HOLD A PUBLIC HEARING IN JULY, 2004 ON THE BULL MOUNTAIN ANNEXATION PLAN AND PLACE THE BALLOT MEASURE BEFORE THE ELECTORATE IN NOVEMBER, 2004.

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WHEREAS, for over 20 years, the City of Tigard and Washington County have recognized that Bull Mountain and its citizens would be best served by the City of Tigard; and

WHEREAS, one of Council's goals is to establish an annexation policy for unincorporated non-island areas; and

WHEREAS, the City of Tigard, along with Washington County began looking at the benefits and costs of annexing the Bull Mountain area in March 2001; and

WHEREAS, the Bull Mountain Annexation study was completed in 2002, after input from Bull Mountain residents, which identifies potential costs and revenues for the area; and

WHEREAS, in order to gauge the public support for a potential annexation, a survey was conducted of registered voters in the unincorporated Bull Mountain area and the City of Tigard; and

WHEREAS, the Draft Facilities and Services Assessment Report for the Bull Mountain Area was presented to Council in June and July 2003; and

WHEREAS, ORS 195.220 authorizes "annexation plan" type annexations which allows territory to be annexed if a majority of all of the votes cast in the territory and the city favor the annexation plan; and

WHEREAS, there are several steps leading up to an election on an annexation plan, including preparation of an annexation plan, public outreach, public hearing, preparation of ballot title, election, etc.; and

WHEREAS, Council has considered the alternatives and determined that an annexation plan type of annexation is the most efficient and effective means to provide unincorporated Bull Mountain and Tigard residents the opportunity to decide on the issue of annexation while also addressing the City of Tigard and Washington County goals of annexing the unincorporated Bull Mountain area; and

WHEREAS, per the Urban Service Intergovernmental Agreement between the City of Tigard and Washington County, the County shall allow the City to collect a Park System Development Charge (SDC) for new development for the period between the approval date of the Annexation Plan and the effective date of the annexation;

WHEREAS, Council reviewed and discussed the Bull Mountain Annexation Plan at the Dec. 2 and Dec. 16, 2003 and determined that the Plan meets the approval criteria as identified in ORS 195 and 222, Metro Code Chapter 3.09; Tigard Community Code Chapter 18;

RESOLUTION NO. 03 - 666

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WHEREAS, after receiving public testimony and submittals at the December 2, 2003 public hearing, Council determined that additional time is needed to work with Washington County and the public to communicate the benefits of the Bull Mountain Annexation Plan recommendations and to place the Plan before the voters.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

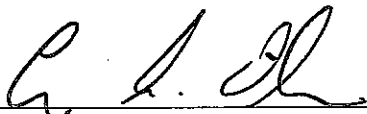
SECTION 1: Council directs staff to form appropriate subcommittees, consisting of Washington County representatives, Tigard residents, and unincorporated Bull Mountain residents to provide additional time for public discussion and review of key benefits of the Bull Mountain Annexation Plan;

SECTION 2: Council will review subcommittee work by July 2004 and consider placing the Bull Mountain Annexation Plan on the November 2004 ballot with a July 1, 2005 annexation date;


SECTION 3: Council requests that the Washington County Board of Commissioners accept this resolution as a commitment from the Tigard City Council and begin collecting parks System Development Charges in the unincorporated area to set the funds aside until the effective annexation date;

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This 16<sup>th</sup> day of December, 2003.

  
~~Mayor - City of Tigard~~  
Mayor Pro Tem - City of Tigard

ATTEST:

  
~~City Recorder - City of Tigard~~  
Greer A. Gaston, Deputy City Recorder

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